Human Rights & Spirituality

DIALOGUE OF RELIGIONS ON HUMAN RIGHTS
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Dialogue of Religions on Human Rights
THE FINAL DOCUMENT
Dialogue of Religions on Human Rights

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THE FINAL DOCUMENT

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PREFACE

Dignity, Human Rights and Democracy cannot be separated. "Democracy is not merely a form of government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen." – Dr. Bhim Rao (Babasahep) Ambedkar (1881-1956).

Are the religions in Asia contributing to the process of enhancing such respect and reverence and how can they do more? That is the basic theme of this dialogue. It is not in the spirit of self-complimenting each other, as too often happens in dialogues among religions, but in a humble spirit of acknowledging the need for improvement that these meetings were launched.

The preliminary meeting is now complete and it was good to come across people like the participants in this seminar who are persons very worried about what is taking place in society and who want to do more to improve the human rights of all, particularly the least privileged. We hope that this document which contains their reflections will help to deepen the discussions on various aspects of morality and spirituality relating to human rights.

Basil Fernando
Asian Human Rights Commission
May 1996, Hong Kong
1. Why This Dialogue?

To anyone who spends some time trying to understand the causes of human rights violations, one stark truth will clearly begin to appear: All human rights violations are the result of deliberate human decisions. Often they are deliberate compromises. The resulting decisions have been arrived at through a process of weighing pros and cons. In addition, these decisions have been made by groups and not merely by single individuals. The group may have made a direct decision for the violation or may have laid down rules generally to be applied to specific situations.

It will also begin to be clear that the violations are not only deliberate and intentional, not only designed by groups, but that these actions are also approved by a considerable section of society. The approval may be positive, in the sense that
the particular actions may be regarded as good, or negative, in the sense that these actions are regarded as necessary evils.

Thus human rights violations are rooted in particular forms of human discourse that are taking place in societies at a given time. These violations are deeply rooted in what groups of human beings secretly hold as being right and necessary. Sometimes what is secretly held is also proclaimed in the open yet often there is open denial of such deeply held beliefs. Such denials are a conscious and deliberate effort by the actors (the actors who make these denials often know that the public would not accept their "secretly held beliefs") who feel that in order to be more effective in carrying out the actions it is better to deny such beliefs in public.

The attempt to promote and protect human rights also needs to be deliberate, intentional and promoted by groups. For this purpose it is necessary to know "the other discourse." It is not enough to know of particular violations and to try to bring the particular violators to justice. It is necessary to create "a counter discourse."

Religion is often a part of the social discourse leading to human rights violations. Sometimes it is very blatant and visible as evidenced by the following few example: Colonial powers have used Christianity to justify the plunder of other nations' wealth and for that purpose have caused massive massacres (even today these actions are seen as heroic). Brahmns in India have used Hinduism to enhance their social positions and to keep huge sections of the population as untouchables. Muslim fundamentalism has been used to maintain priestly supremacy, male domination and to suppress the minorities. Buddhism has been used to justify racism and militarism. Confucianism has been used to justify authoritarianism and suppression of women. Religious doctrines of man's supremacy over nature have been used to ruthlessly exploit nature, endangering our future. Religious doctrines on man's sinful nature have been used particularly to suppress women. The dogmas on the supremacy of priests have been used to deny education to the masses. In short, religion has often helped to justify inequality.

Theological and metaphysical arguments have been advanced and maintained to keep a social discourse that is supportive of these
human rights violations. Sometimes religions comfort those who are troubled by the use of violence by the perpetrators of these violations. Religion has not only the power to awaken the conscience for what is right and good but it can also quieten the conscience regarding what is wrong.

On the whole, religion compromises with the status quo and in the process adjusts to human rights violations.

However in the process of adjusting to human rights violations religions come into conflict with their own essential doctrines. (Whether this is true of all religions has been the subject matter of debate by some reformers. For example, whether Hinduism could exist without a caste system became a very important debate in India. It is said that Mahatma Gandhi, fearing that the ending of the caste system would lead to a collapse of Hinduism, compromised with the system.)

Today there is a tremendous attempt to develop a social discourse to promote and protect human rights. Do the religions want to contribute positively to this discourse? If yes, then in which way can they do so? These are basic issues that need to be considered during this consultation. The participants are persons who accept that a positive role could and should be played by religions to promote and protect human rights. This however should not deter them from critically examining the records of each religion from a human rights point of view.

The co-animator of this workshop, Professor Joost Kuitenbrouwer, has expressed in the following words his expectation from the ethos in which this discussion ought to take place:

"I hope we can create a congenial environment in which we will not only have exchanges 'on the world' but in which we also bring and share our own personal experiences in life and work so that we deepen our learning, open our hearts and enrich each other and value our 'multiple originalities' so that we return empowered to our homes to defend and enhance not only our own but also each others' paths to wholeness (healing, whole, and holy do have the same etymological root)."
Swami Agnivesh has alerted us to the earlier attempts in the same direction and the need not to go in circles. Some papers from two earlier attempts, a seminar organized by ALIRAN, Malaysia, under the title, *Human Being - Perspectives from Different Spiritual Traditions* (1991) and the *Workshop on Human Rights* organized by the Jesuit Conference of East Asia have been included in the papers circulated to the participants. However, a basic difference of our workshop from earlier attempts needs to be stated. To our knowledge, earlier attempts have concentrated on asserting that concepts of human rights exist in all spiritual traditions. From this perspective, material from basic texts of each tradition has been analyzed. In our workshop we would like to concentrate on trying to understand the contemporary experiences and the contributions made by each tradition to the promotion and protection of human rights. The violations of human rights have been massive, as regards economic, social and cultural rights as well as civil and political rights. What has each spiritual tradition done to prevent these? If not enough has been done, why not? Are there problems of doctrine, history and contemporary social links that prevent each spiritual tradition from contributing more to the promotion and protection of human rights? After taking an honest look at ourselves, we could ask, what common ideas and practices can we agree upon to overcome the difficulties encountered in protecting and promoting human rights.

About 15 persons from different parts of Asia and from different religious backgrounds will attend this meeting. The report of the deliberations together with the recommendations will be circulated widely.

**Participants**

The core participants of the dialogue included a Catholic nun who had devoted over a quarter of a century to human rights work in the Philippines and who carried vast stores of experience; a Korean woman-activist with many years of experience with labor movements; a Japanese woman-theologian involved in women’s issues; a Hindu swami with many decades of involvement with human rights issues in India with a particular involvement with bonded labour issues
with a deeply spiritual outlook; a retired law professor who is an Indian-Muslim who has been writing from a critical perspective towards his tradition; a Pakistani Christian intellectual with a theological and political theory background and with many years of deep involvement in human rights, Christian-Muslim relations and social reform issues; an Indian Jesuit well-known as a leading theologian in Asia, with long years of experience with students and the oppressed; a Dutch professor and Christian with a deep orientation to Taoism who has been involved with promoting a new approach to teaching human rights; a Cambodian Buddhist monk who has been engaged in work with many human rights and community development groups; a Filipino activist from a Calvinist background who has been a political prisoner and is now engaged in theological studies; a Filipino woman-human-rights-activist involved with the Christian Conference of Asia; a Swedish missionary with a background in economic studies now working with the Asian Human Rights Commission (AHRC); a Canadian lawyer from a United Church background working on refugees' issues and associated with the work of the AHRC; and a Sri Lankan lawyer and poet involved in human rights work for many years and now working for the AHRC. Several other persons participated from time to time.
2. Sharing of Experiences

2.1. Towards a New Sense of the Sacred

Joost Kuitenbrouwer

The present time is characterized by a pervasive sense of confusion, insecurity and despair. Old securities and boundaries have gone and new ones are not in sight.

The initial euphoria, marking the end of the Cold War, soon faded. During nearly half a century, ideologies on both sides made it easy to distinguish between friend and foe, as polarities between light and dark were well marked and identifiable. There were tacit agreements to exercise restraint in the use of violence, as its use entailed the risk of mutual destruction. Although open violence was thus controlled, structural
violence in terms of social injustice and the negation of people's dignity and freedom was pervasive on both sides. Yet, as a consequence of self and mutual containment, the overall mood was characterized at the surface by a semblance of order. Relations between North and South were decisively shaped by those between East and West.

With the end of the Cold War, relations between East and West and South and North radically changed, not only between and among peoples, but also among people. The end of the ideological conflict brought to the surface multiple hidden conflicts which have erupted into open violence in many places. Whereas during the Cold War conflict and violence appeared to be controllable, the new transformations which are now taking place on a world scale seem to be difficult to control, as institutions, among which in particular states and religious institutions, lose hold. Whereas in the previous era, the ideological conflict was seen to be potentially external in terms of “combatting the enemy,” although in actual practice, large scale violence and repression took place on both sides (under socialism by way of the control of the state over people; and in the “free world” by way of military regimes and the growth of poverty), since the end of the Cold War, conflicts and violence multiply within states and societies and tend to be perceived as civil wars or “internal conflicts,” not only threatening local and national but also international stability. Whereas before, sources of conflict were felt to be easily localizable, now the identification of the sources of conflict and violence are seen as more difficult to trace and define.

With the unrestrained growth of the free market economy and the disintegration of old securities and the erosion of institutions and ethical codes which tended to provide some measure of protection against deprivation and exclusion, inequality and poverty are sharply on the rise, not only in the South/East, but also in the North/West. At the same time, the untempered propagation of materialist individualist values tend to favour competition and greed at the expense of whatever was left of policies of redistribution and practices of sharing and at the cost of honesty and reliability.

While interest groups in the world’s economy scramble for new rounds and opportunities to enrich themselves, they tend to perceive
those who are excluded from work and income and who become an underclass as a menace and a liability.

As a result of the spread of poverty and deprivation and the multiplication of internal conflict and violence, migration has taken on international dimensions. Also the North/West is faced with a relatively large scale immigration of refugees, asylum seekers and many who seek a promise of a better life and security of livelihood. With the sharp decline in job opportunities and the curtailment of the welfare state, there is a tendency in the North/West to see actual and potential migrants as a liability and a threat to their own welfare and opportunities.

The breakdown of old forms of controls, identities, arrangements and transactions has generated a desperate search for new identities, perceived and propagated as modes of self-defense and self-protection, in a world of increasing competition for resources and markets. In this process, old divisions and traumas of the past are re-activated and capitalized on.

For centuries, in the North, South, East and West, cultural values and practices were imbued by a sense and experience of life and the universe as being sacred. This sense of life tended to characterize social attitudes and ethical codes of all peoples and gave meaning and direction to daily practice. In the North/West, this attitude began to erode and disintegrate since the early beginnings of modernization. It also accompanied the process of colonial expansion over the past century and a half and has everywhere led to the destruction of native cultures and the erosion of the power of time honoured religious and moral attitudes towards life. Although the experience of the sacredness of life and the universe did in no way prevent conflict and violence it served in multiple ways as a restraint. However, as the access to the sacred was not infrequently monopolized by institutionalized religion, those who did not belong to the community of believers were often perceived as aliens and treated accordingly.

Some witnesses to the contemporary scene suggest that the very processes of modernization and the creation of one interdependent world generate a longing for a new global spirituality which recognizes social justice as the call to love, at the core of all religious
traditions. In this perspective all relations between people and peoples need to be imbued with and ruled by practices of sharing and reciprocity, embedded in attitudes of reverence and respect for the universe which gives us life and sustenance. The processes towards uniformity and conformity also generate resistance movements in which one's own identity and diversity as sources of human originality and creativity are welcomed and embraced. The invention and manipulation of new forms of control however, through which a new materialist acquisitive culture is being propagated, especially by way of the vertiginous changes in the technologies of communication, tend to have a steamroller effect, as a result of which the right to one's own identity and diversity in religious and cultural expression are portrayed as remnants of an obsolete and primitive past.

In the process of the generalized instrumentalization of life, in which nothing is excluded from becoming a commodity, means become ends, as ends are written off. Thus the organic link between ends and means which served to secure a link between being and doing tends to be lost. It has been proposed that the crises in different domains as they multiply (e.g. economy, political life, social relations, culture, education) all have deeper roots in a crisis of meaning: meaning referring to ends as giving a sense to life.

While during colonial times and the Cold War, the North/West legitimized its expansion and hold over the world by its "civilizing" mission and its vocation to combat the enemy; with the loss of the latter, a new tendency has come recently into vogue which serves to provide the North/West with a new legitimation to secure its power and hold over other civilizations and peoples: a presumed clash of cultures and civilizations. In this interpretation, "the other," "the others" and "other cultures and religious traditions" are portrayed as actual or potential threats to order and stability. Such an interpretation may then open the way for North/Western intervention under various names.

Will religion as a sense of the sacredness of life and the universe and ethical attitudes which inspire and protect the inviolability of and reverence for all life be able to survive hegemonic culture? Can it create a new sense of meaning which leads to the creation of a new
global culture in which people and the cosmos/nature are honoured and treated as if they matter? Or will religion further disintegrate and serve as a handmaiden in the process of global conformity and uniformity?

There is also a view that the decline in institutional religion, in which the power of symbols and ritual eroded may create space for a new kind of religiosity which would no more be bound and ruled by formal rituals codes and power which have characterized the past. Could it perhaps be necessary that for the birth of a new religious consciousness, traditional conceptions and representations of the sacred have to be given up, so that life is intrinsically recognized and lived as a religious activity?

2.2. Human Rights

Samuel Rayan

(points from the discussion following the reflection have been incorporated)

2.2.1. The language of Human Rights is comparatively new. It began to take shape in the 18th century. The French Revolution, for instance, issued a Declaration on the Rights of Man in 1789. Prior to that came the Philadelphia Declaration of the Right to Self-determination in 1776. The phrase gained currency in the 19th century, and came to a culmination in the mid 20th century in the U.N. Declaration on Human Rights (1948). Observers have made the point that the 1948 Declaration was a defense of the "West" against Eastern Europe and that the Declaration of 1789 was valid only for Western Europe and not for its colonies which were not yet deemed ready for human rights. Similarly the Right to Self-determination excluded from its purview native Americans and Blacks just as the 1776 Declaration of Independence did. The self-evident truth that all men are created equal did not apply to Native Americans and Blacks. When Washington signed that document he had in his Vernon estate some 300 slaves none of whom was set free in the days and years that followed.
2.2.2. The language of human rights was a product of the European Enlightenment. It was a secular language for a concept of secular origin. But the "secular" could have more than one level of meaning. It could denote:

2.2.2.a. rejection of control by religious power;

2.2.2.b. independence and freedom from religious ideas and norms; or

2.2.2.c opposition to religion in any form.

I would support the secular rejection of totalitarian control by religious power of human life and activities. Many areas of life have a legitimate autonomy which must be respected. I have serious reservations about uncritical opposition to all that is religious. And I wonder if anything genuinely human could be wholly independent of, unrelated to, and unconcerned with the religious, that is, the horizons of ultimate meaning. Completely ignoring religion may lead to an all-round impoverishment of the human, and may deeply hurt the cause of human rights. An analogy might be the bleakness and shallowness that could result from an exclusion or neglect of poetry. Thomas Hobbes banned metaphors; Descartes found poetry irreconcilable with his scientific method; and Plato, surprisingly, would have no poets in his Republic. Poets and artists represent new possibilities for life, beyond the given and the settled, and beyond the law and order of ruling oligarchs.

2.2.3. The mere fact of something being secular need not be a scoring point: oppression is also secular as is slavery, colonial plunder and exploitation of the weak. These are anti-religious too. Human rights are secular, in the sense that they are autonomous and earthbound, historically evolving and related to the here and the now. But religion is also secular in the same sense: it has its autonomy, and is for living on this earth within this ongoing history in dialogue with the concrete here and now of life.

Now that means two things, namely:
2.2.3.a. the secular and the religious need not be thought of nor lived as mutually exclusive;

2.2.3.b. human rights should be seen as related both to the secular and to the religious.

2.2.4. The history of all religions tell of serious violations of human rights. That should not put us off nor lead us to brush religion aside. A gap between the ideal and the practical, between creed and life is neither uncommon or unknown. It is necessary therefore to explore the core message of each religious tradition, and search for aspects or factors which can and do, support, favour, nourish, even demand and engender human rights. That will be a more profound approach to the issue of human rights and religion.

2.2.5. Human rights must be considered in the concrete, in their actual context. They are not liable to abstract, formal definitions. What points to this is the fact that human rights speech has developed from an expanding social consciousness of their violation. We shall then realize the extreme complexity and variety of human rights, and the ramifications of each into all or most levels of human existence and areas of human concern.

2.2.6. The universality and global character of human rights have serious consequences. Reality is interconnected. Life is a web. Life has become much more interlaced today politically, culturally and economically than ever before. What happens in one corner of the earth may not only be known quickly or seen simultaneously everywhere else, but can affect the lives of millions of people in remote villages of another continent. Hence the need of a global ethic and a universal human rights Covenant. That means we need an agreed basis for human rights, a point of common reference, a symbol which can appeal to every mind and heart. We need one which is not of our making but has independent existence and authority. One which “creates” us and is not created by us. It may be something like Truth which when encountered has claims on us and to which we owe not submission but glad obedience. That reference point or horizon of meaning is what we call
God, the Divine, the Eternal, Brahman, The Good, Ground Reality, and/or Satyasya Satyam. Such is the source and guarantee of human rights.

2.2.7. Human rights flowing from such a source have 4 basic contents or concerns: Life, Freedom, Conscience and Relationship. These can be further defined as the right to:

2.2.7.a. Life and the means of living in a manner worthy of human beings;

2.2.7.b. Freedom which is at the heart of life and which defines us as human. It includes a variety of well-known freedoms, among them the freedom to call things, ideas and institutions into question, the freedom to experiment and innovate in favour of a fuller life and dignity, and the freedom to share ideas, compare notes and create a milieu favourable to the sifting and growth of Truth. The community rather than individuals is the ultimate subject of truth and of human rights. But freedom is to be understood not so much in terms of the possibility of choosing between alternatives as in terms of the capacity to love, to transcend self and live for others, even to the extent of risk-taking and dying that others may live and have life in its fullness.

Love is the actualization of freedom. Freedom grows, deepens and matures in direct proportion to the growth and maturation of love. And it is love that humanizes us. It realizes itself as justice, compassion/Karuna, mercy, forgiveness, reconciliation, reverence and celebration of the other.

2.2.7.c. Conscience refers to that deep sense, native to all human persons, of right and wrong, of what may and may not be done said or thought; it is a sense of what gives life and enhances freedom as against what enslaves or kills. Call it, if you want, the moral imperative.

2.2.7.d. Relationship points to the fact that human life is always lived in community. Life is life with others. It is life
from and for and with one another. That means human rights are relational and have to do with the existence and interaction of persons in communities and of communities of persons. An individualistic presentation, then, of human rights is unacceptable. It is unfortunate that the United Nations Declaration of 1948 is so deeply individualistic; from the beginning to the end it uses the singular. This has been described as a Western perspective which tends to accumulate human rights as it accumulates capital against the rest of the world. The 1948 document is the West’s self-defense against the East and its governing ethos is capitalist individualism which fragments and destroys national and world community, thereby introducing and fomenting alienation of all from all and from the Earth. Human rights can exist and flourish only within the web of relationships of mutual respect, acceptance, concern and sharing. That means that corresponding to human rights there are human responsibilities. Rights and Responsibilities function like the warp and woof of the social fabric. One may recall that in precapitalist days, in tribal societies and even in Europe’s middle ages, rights and responsibilities always went together. Some modern national constitutions are based on the trinity of liberty, equality and fraternity. In capitalist individualist traditions liberty gets emphasized at the expense of the others; in socialist experiments equality is accented while liberty and fraternity are sacrificed. In framing the Indian Constitution, Ambedkar sought (and he was the first) to hold the three together in dynamic unity, in a perichoresis. But now with India’s massive surrender to the free market, equality and fraternity have once again fallen victim to the liberty of the wealthy. Profound human rights violations are involved in this process.

2.2.8. All these factors constituting human rights point to and lead to and express what they ultimately derive from, namely, Human Dignity. Human Dignity is not one of the many human
rights but the source of them all. The crucial question at this point concerns the nature and basis of Human Dignity itself. That question stands us at the threshold of philosophical and theological anthropology.

2.3. Justice And Mercy
Basil Fernando

There is no genuine reconciliation without justice. There is no genuine justice without mercy. Justice involves the restoring of the balance destroyed by acts of injustice. It is only through the participation of the victim through real actions of justice that the imbalance can be cured. Full restoration of the lost balance does not and cannot take the people to the same situation which existed before the balance was broken. Only in a completely new situation can the balance be re-established. This new situation cannot be achieved without an intense sense of mercy on the part of the victim. It is only an absolute sense of justice accompanied by an absolute sense of mercy that can create the new situation that will produce the energy to sustain the new situation. Ruthless revenge destroys the inner capacity of the victim. It generates negative energies. The result is the further degeneration of the situation of imbalance. The degeneration into ruthless revenge can only be prevented by the intense sense of mercy that is alive in the people and in society at all times. Such a sense of mercy needs to be nurtured and cultivated by conscious actions. It is not possible to nurture and cultivate such a sense of mercy without sustaining an intense sense of justice among the people and in the society all the time. Mercy without justice is submission and weakness. It is not mercy at all.

These days people talk of conflict resolution. Some of the conflicts that need to be resolved have a history of two thousand years or more. The negative energies generated and recreated by acts of injustice and replicated throughout the centuries remain the source of these conflicts. To resolve these conflicts much more needs to be done besides creating new political formulas. Ways must be found to create and sustain justice and mercy within the social milieu at all times. It is necessary to bring the concepts of justice and mercy
into the discussion on conflict resolution. Without such concepts, conflict resolution will become unreal and illusory. Such an absence creates tautology at the theoretical level and unfocused activism at the practical level. Such confusion at the theoretical level and disjointedness at the active level lead to mental states such as bitterness, frustration, cynicism, negativism and passivity, which further contribute to the degeneration of the situation and the replication of situations of injustice. For a real break-through to occur, actions based on justice and mercy are necessary.

Justice requires the acknowledgment of injustice. This acknowledgment needs to come from the perpetrators of the injustices and their institutional representatives. It needs to be genuine. Mere apologies are not real expressions of acknowledgment of wrong. Genuine acknowledgment would be marked by the creation of an enabling environment in which victims could reciprocate by way of genuine acts of mercy. It is at this point when a new relationship really begins.

On the other hand the genuine sense of mercy that the victims create out of their own inner strength, and their own humanity, creates an enabling environment within which guilty perpetrators and their institutional representatives would find it difficult to escape from acknowledging their responsibilities for disturbing the social balance by their acts of injustice. When this two-way process is seriously recognized by the society, there comes into being real grounds for hope for recovery. Within a framework which recognizes the principles of justice and mercy, the irreconcilable can be reconciled and the unhealable can be healed.

2.3.1. Reconciliation: True or Fake

If reconciliation is to be understood as appeasement, then it is fake. It is deceitful too. Many "reconciliations" promoted by the international agencies and local elites fall under this category.

True reconciliation can arise only on the basis of the truth being revealed. Inability to admit and reveal the truth leads to an inability to repent. How this happened to the German people, after the second
world war, is discussed in the book *Inability to Cry*, written by Alexander and Margaret Mitscherlich.

A genuine attempt to establish truth took place in Argentina, after the Falkland war. This experience needs to be studied closely and be assimilated by the Asian Human Rights Movements. At the moment in South Korea there is also an attempt to reveal the truth relating to the Kwangju massacre. Serious attempts have also been made to reveal the truth relating to mass violence caused by the Japanese during the second world war. The movement to find justice regarding comfort women is one such attempt. When such truth revealing does not take place, systems of repression created during a dictatorship continue to exist even after dictatorships are displaced. This is the experience of the Philippines after Marcos, Pakistan after Zia Ul Haq, Sri Lanka after the Jayawardene and Premadasa regimes, and many other places.

Reconciliation is thus a process of social purification, based on the revealing of truth relating to all the matters covered by secrecy and by hypocrisy.

The revelation of truth is essential for healing the wounds caused to society, by repressive practices. It is also necessary for the victims if they are to genuinely believe in the process of reconciliation. It provides the background for genuine forgiveness. The psychosis created by the unwillingness to reveal the truth, or by the falsification of the reconciliation process, leads to serious social consequences. All those who are concerned with reconciliation must take active roles in finding ways to reveal the truth in society.

Reparation is an integral part of reconciliation. However, reparation without revealing truth does not lead to genuine reconciliation.

2.4. Thought Control in Japan

Midori Hayashi-Hallengren

Japan’s systematic centralization into a nation by the ruling power started in the 17th century. It was also the time when the government
decided to isolate the country totally from the outside world—especially from the West and the influence of Western Christianity. This influence had started in the 16th century and was initiated by European traders and Christian missionaries. The influence was not large in scale but it had a substantial effect—the Portuguese brought guns and modern technologies and some of the Japanese local government leaders became Christian. When the central ruling power realized that this new influence might lead to disturbances (something invisible but essentially symbolic against their control) they started to persecute missionaries and Japanese Christians who did not want to leave their faith. In the 1630s a strong revolt by poor farmers against the local tyrant in Kyushu occurred, which was joined and then further organized by the Christians in that area. Resistance during this uprising in Shimabara was very strong and it took a much longer time than expected for the central government to wipe out this revolt.

It was after this incident that the government started systematic thought control where everybody had to be registered in a Buddhist temple, had to attend and pay some money for certain rituals, had to tread upon an image of Jesus or Mary once a year and finally had to be buried under the guidance of a monk of the temple. The whole population was divided into very small cells of 5 people (consisting of the heads of the families). If somebody committed a crime, including being Christian or being critical against the authorities, all in the group could be punished. This system made people report crimes and continued for almost 200 years under the official isolation from other countries.

After Japan’s isolation eased there was some trade with Dutch merchants, who were granted a special zone near Nagasaki, where they were allowed to live. The cooperation with the Dutch was quite good since a Dutch military ship was involved in quelling the Shimabara uprising. The right to do limited trading in Japan can be seen as a reward for supporting the central authorities against farmers. There was however one condition for the Dutch and it was to promise to be involved in trade only and not to try to convert anybody to Christianity. People in power described thought control and oppression, against Christians and people with their own ideas,
as necessary in order to save Japan from colonialism.

When Japan opened up, after the U.S.A. forced it to open its borders by sending military ships in the mid 19th century, a new ideology was needed for the unified nations to encounter the strong powers from outside. Thus the old Shinto myth of the 8th century was revived to create a new strong myth of Shintoism around the emperor. (The ruling power was given back from the military class to the emperor who was thought to be a descendent of Japan's original rulers.) It was at this time when Japan's modernization started but unlike the Western modernization which corresponded with an eradication of religious myths, the whole country was provided with a new myth and this was later strengthened by an efficient school education. Japanese history started with the myth of the 8th century and ended with the divine emperor of new Japan. He became the most divine in Shinto religion. Only the eldest son could succeed this position and it was said that he was the right descendent of the first legendary emperor. This was also a new myth because there were some empresses in an earlier stage and it was not so obvious whether there was one pure lineage. Former emperors often had Buddhist rituals and were buried according to Buddhist ways except for those who belonged to the earliest stage.

This myth around the emperor was most effectively used by the military regime when Japan started to invade other Asian countries and during the second world war. Even after the end of the war Japan kept silent about what really happened under the name of the emperor. Somebody who tried to raise critical questions on this issue was thought to be a kind of rebel against a silent taboo. It is only after this emperor's death that a change of atmosphere around the taboo was seen. Group censorship and a non-critical attitude towards authorities are deeply rooted in history and have been manipulated by the power.

Today, we are not ruled in such a way but somehow we are affected and invisibly ruled by more agreeable methods which are called mass media and consumerism.
2.5. Women and Faith

Susanna Yoon Soon-nye

I became a Catholic in 1963 which was before the end of Vatican II. I had a very hard time getting into the church.

After I became a Catholic I was involved with Young Christian Workers’ (YCW - JOC) movement’s actions. They changed many things in my faith life. I was no longer only involved in prayer as before. I was involved with Protestant U. I. M. In 1972, under the new constitution, President Park Yushing had the power to take necessary emergency measures in the whole range of state affairs including national defense, the economy and the judiciary. In 1974, Bishop Daniel Tji sharpened the awareness of the Catholic church. Many student leaders were arrested as Communists.

In October 1979, President Park was assassinated but another army leadership took power. During the Kwangju incident, of May 1980, many people were killed with several hundred more injured. (We still don’t know the exact figures of the victims.)

Most of the Korean people got to know about the U.S.A. between 1980 and 1987. I was involved in many progressive social movements such as the labour apostolate, political action and the Catholic social movement etc. I was arrested and oppressed by the police and Criminal Investigation Department (CID).

In 1984, I started a Catholic Labour Organization as a lay church workers’ movement by the lay people. (Lay people went to China for faith in 1784.) In 1989, I was invited by the Maryknoll women in the U.S.A. to study feminist theology.

In 1990, after I returned to Korea, I started a feminist movement in the Catholic church. In 1993, the KCWC (Korean Catholic Women’s Community for the New World) was organized. We tried to make the society a better place for women. Through such work we will find the truth between all human beings and I believe that is the kingdom of God.
2.6. Social Interpretation of Religious Scriptures

Basheer Hussain

It is generally believed, and it not an incorrect belief, that the literal interpretations of religious scriptures have resulted in the violation of human rights. This is borne out, particularly, by the experience of Europe in the middle ages in which many scientists were persecuted. There was no scope for dissent from the interpretation given by the clergy.

A great change was brought about in this traditional approach to holy scriptures by a great saint named St. Thomas Acquinas. He said there were two kinds of laws of God. One directly revealed by God to his chosen prophets and the second, the law of God discernible by human nature. The second category of laws are also laws of God because the faculty of reasoning was a gift given to people by God. To the second category of laws he gave the name "law of nature."

This concept of the law of nature was responsible for releasing laws from the clutches of the priestly class which had its monopoly over the interpretation of religious scriptures. This was the starting point of modern liberal theology which has paved the way for the social interpretation of holy scriptures. It denied finality to the priestly class in matters of interpreting holy scriptures. A great jurist of international law, Oppenhiem, in his textbook, *International Law*, has stated that the law of nature supplied crutches with which mankind has learned to walk out of the middle ages. The law of nature stands for intrinsic justice, and reasonableness. Even today, the law of nature plays a prominent role in the crisis of law, because if a law has to be enforced it should be based upon the law of nature. In the legal systems of all the democratic countries any law which is not based upon reasonableness will be struck down by the Courts of law as being illegal.

Therefore, the time has come for all theologians to interpret the laws of the religions in a way to bring them in conformity with the prevailing concepts of human rights and social justice. If a serious attempt is made this is not difficult to achieve.

This is the only way to save the religions from its present crisis of conflict between social justice and the traditional religious beliefs.
2.7. The Need for Making the U.N. a More Relevant Platform

Bart Shaha

The impact of globalisation is felt in the furthest corner of our villages. But the voices of people at the periphery are weak. Indeed they are becoming weaker and weaker every day. In a similar way, the voices of weaker nations hardly have a bearing or influence anymore.

We are experiencing today, a process whereby economic forms and political relationships are being consolidated without giving due consideration to the needs and situations of the people. In this process the mighty and the strong form easy alliances.

While we may criticize the ineffectiveness of the United Nations in resolving many of the issues during the last 50 years of its existence and operation, it is however, the only platform that we have which can bring together the nations of the world to tackle crucial issues of our times.

We are aware that with the end of the Cold War, even the role of the Security Council of the U.N. has changed. There is talk today of including a few other powerful nations such as Germany and Japan and some countries from the South. The question arises as to which countries would it be from the South? Would it be the big nations from the South? Then are we going to modernize the concept of the big nation states dominating the smaller ones?

When we look at the present trends in the U.N. there seems to be a weakening of the Third World influence. The North-South dialogue has fallen into disarray and there is a general feeling of loss of momentum.

Important concerns arising out of the current global trends have not been brought to the table. Obviously this is because powerful nations would not want them to be raised. For example, in recent times, the U.N. has organized several global conferences — on ecology, population and social disintegration — but there has not been any hard-core economic conference to deal with crucial issues
issues which are at the centre of the present plight of vast numbers of people.

Considering the present process of globalization, there is a need for the countries of the South (the Third World) to come together and to create their platform, if their plight is to be heard and addressed.

2.8. Religion And Human Rights: Awakening and Resistance
Jean Nacpil-Manipon

"The next best thing to actually being free, is to be in the struggle for freedom." Such were the words of Lean Alejandro, student activist and youthful leader of the "parliaments of the streets" which resisted against the Marcos dictatorship and later continued to protest against the repressive and elitist policies of the Aquino regime. Having survived the martial law years, Lean Alejandro was brutally assassinated just shortly after he tested the democracy promised by Cory Aquino by rallying his small fishing town around a new type of "people politics" and by running for a seat in Congress. Lean Alejandro was only 27 years old when he was killed. He spoke for a whole generation of "martial law babies" who grew up without any experience of democracy, who were educated under a system which systematically denied human rights, but who went through political awakening and eventually struggled against the social evils in their time. What is it that inspired, motivated, and sustained such youthful commitment, dedication, and courage in their resistance against the status quo, even amidst the coldest climate of fear and terror? It is perhaps the realization that under conditions of captivity or political repression, the only real taste of freedom is in struggle and resistance.

A more well-known example of courage against formidable odds is Nobel Peace Prize Awardee, Aung San Suu Kyi, human rights activist and leader of the democratic movement in Burma, who once said that fear is a habit that corrupts and that can be overcome. She wrote, "Within a system which denies the existence of basic human
rights fear tends to be the order of the day... It is not easy for a people conditioned by fear, under the iron rule of the principle that might is right, to free themselves from the enervating miasma of fear. Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.”

Tyranny and the abuse of power will continue to prevail only if allowed to persist and if communities of people, whether influenced, inspired, or motivated by religious beliefs or other ideals, are not able to resist and struggle for change. Sadly, most religions have condoned, turned a blind eye to, if not participated in the oppression of people. In Asia, authoritarian regimes enjoyed the support and sanction, at one time or another, of religious hierarchies. Often, religion has been subject to manipulation by political forces to pursue vested elitist interests, and religious institutions have been perceived by oppressed people as defenders and protectors of the status quo. This is one reason why human rights abuses and the most brutal violations of human dignity have occurred unnoticed in many societies and go on unabated without eliciting any public outcry.

That is only one side of the reality of religion, however. The other side is that, throughout Asian history, there are also many examples of individuals and religious leaders who have shown that religious belief can inspire, challenge, and motivate people to speak out against injustice, to resist tyranny, to act or social change, and to search for new visions of more equitable, more just, and more humane societies.

Sr. Mariani Dimararan, one of the pioneers of human rights work in the Philippines, recalls one incident during the martial law years when she met a woman who was tortured and raped while imprisoned and who had witnessed similar treatment to her colleagues by military forces. Upon seeing Sr. Mariani, this mother of two, frail and slight of build, turned to her in anguish and asked, “Sister, do you really believe that there is a God? If there’s really a God of justice, how can he allow this to happen?” What horrors and unspeakable acts against humanity could drive ordinary human beings to deny the existence of God?

In the face of massive exploitation and oppression of people, many people have been driven to dig deep into the recesses of their faith
and system of beliefs and have been challenged with respect to the idea of "confession" and repentance for the sin of apathy. This has lead towards the undergoing of a personal transformation or "conversion," and eventually, towards making a deep and lasting commitment to human rights and the struggle for social change. This usually happens in the darkest and most desperate moments of political and economic crisis and when the systematic abuse of human rights can no longer be denied, thus challenging religious followers and leaders towards self-evaluation. Then comes the painful realization that allowing human rights violations to continue, and worse, lending false moral justification to them, is contradictory to many fundamental religious teachings. Resistance against injustice is a moral imperative for those who believe that religion strives for the betterment of humankind and for the building of a better world.

Edicio De La Terre, drawing from the dilemmas and experiences of many religious in the Philippines, once wrote about the process of self-transformation, calling it "the passion, death, and resurrection of the middle-class (petty bourgeois) Christian." He said that Christians need to identify with Christ and Christ's suffering and crucifixion, and undergo their own "passion and death" in order to be resurrected into new beings.

John Kelsay and Sumner B. Twiss in the book Religion and Human Rights write that it is hard to deny that religious teachings have been a significant factor in the consciousness and life of some of the people most active in pursuing the goals identified with human rights. They cite the examples of such people as U Thant, Muhammad Zafrullah Khan, Dalai Lama, and many others, to remind us that religion has been an important force in fostering concern for human rights.

How can religion be a positive force in promoting human rights and inspiring resistance against human rights abuses?

While historically various social forces have used religious symbols and religious resources to justify acts of human rights violations and outright oppression of people, human rights advocates among the religious have asserted the need to re-claim or rediscover religion and the resources within religion that are liberating and that uphold and promote human dignity. Religions continue to attract
adherents, especially from ordinary masses of people, only so long as they fulfill and address certain social, psychological, and spiritual needs. Many seek in religion not its "negative aspects but those positive resources which offer comfort, compassion, a new way of life and thinking, hope for the future, and even perhaps the promise of justice and a new human community. It is these aspects of religion that can be harnessed towards inspiring the courage to resist and struggle against the most evil forms of denial of human dignity.

In most religious communities, however, religious leaders often enjoy the mantle of comfort, isolated from the ordinary flock. Often, they are awakened to act and resist against injustice only when they are able to identify with the victims of human rights abuses or when they themselves have directly experienced suffering. In the Philippines, there was a popular saying during the martial law years that there is no better teacher about state repression than the blow of a policeman's truncheon. The widespread political awakening of many priests and nuns happened in that critical instant when they themselves tasted the bitter sting of a tear-gas explosion at a peaceful street rally, or were jolted by the sudden burst and crackle of an armalite in the stillness of a morning mass.

To sustain courage and commitment in the resistance against injustice, religious communities need to be in constant touch and humble solidarity with the victims of injustice themselves. Ultimately, it is those who have suffered the most injustice who have the resources within themselves in order to overcome fear and who have the inner resolve and wisdom to find a solution and an end to their suffering.

The most difficult and trying challenge for religious believers, however, lies in re-examining, analyzing, and eventually resisting against the notions and practices of their own religion which are unjust, which justify oppression or which deny humanity to others.

"Religion is for man, and not man for religion," said Dr. Bhim Rao Ambedkar, Chief Architect of the Indian Constitution, who was born a Hindu but who rejected the Hindu teachings which justified the caste system. The caste system was the cause of so much human misery and suffering in Indian society for 2000 years. Dr. Ambedkar noted that "Untouchability shuts all doors of opportunities for
betterment in life. It is mischievously propagated by Hindu scriptures that by serving the upper three classes, the Shudras, attain salvation. Untouchability is another appellation for slavery. No race can be raised by destroying its self-respect.”

Speaking out against the unjust practices of the religious tradition to which he was born which was the dominant religion in his own society was indeed a courageous and bold step. But Dr. Ambedkar relentlessly pursued the case of the untouchables and struggled to shake the foundations of the system of graded inequality in Indian society. Eventually, he embraced the teachings of Buddha. On religion, he declared, “The religion that does not recognize you as human beings, or give you water to drink, or allow you to enter the temple, is not worthy to be called a religion.”

2.9. Economics and Faith - Some Reflections
Bo Hallengren

The British thinker John Locke (1632-1704) stated clearly that there is no way of proving the existence of God. His conclusion from this was that “a rationalistic society can never be based upon something that cannot be proved and therefore the concept of God and religion should not influence the development of society.” This was quite a reasonable statement during the 17th century, when the Church was still too powerful despite the influence of people like Descartes and others. Adam Smith and Francis Bacon made similar contributions to the development of a “philosophical framework” for “man’s rights to be the supreme ruler of nature.” Now we can see the effects of man’s exploitation of nature.

It has taken a long time for Westerners to realize that this kind of “rationalism” is not as rational as it might seem. The physicist Heisenberg proved that the actual measurement of physical nuclear objects will itself change the results. You cannot make a distinction between the observer and the observed. In Asian societies this has often been taken for granted. In Western thought models after Descartes the opposite was regarded as natural. Modern physics has shown that we actually live in a non-deterministic world. This
is a revolution, especially for those who want to control nature and build a society based upon "reason" and deterministic natural laws. However this revolution has not influenced economics or "religious science" until very recently. The mechanistic world view is still the norm, although it seems the term "paradigm shift" is becoming more common.

The common "faith" in the market's ability to do things better than any decision maker is quite remarkable. It sounds like the market is a neutral positive force. But the reality is that the market can be manipulated through "inside information," "cornering," speculation and other methods. The market is blind to the effects of its actions. The effects are regarded as "objective, necessary and above all unavoidable." Not everything has to be regarded as bad with a market economy, but if it is not controlled somehow it will create greater and greater swings and finally collapse. In the meantime more and more people will be marginalized and therefore be kicked out of the market system altogether. This is now happening within richer countries, but more worrying is that larger portions of the population in poor countries are becoming unemployed, landless and not needed according to the market definition. In many cases half of the population does not exist in market terms, since they have no buying power.

What does all this have to do with religious faith? Religious faith is, generally speaking, based upon some form of cosmology or world view. If this cosmology does not cover all aspects of existence it is no real cosmology. The market is like a theory that explains why society must look the way it actually looks according to the idea that the market is "objective and absolute." This way of looking upon the market is quite similar to the Judeo-Christian-Islamic way of describing God as an explanation or theory of different realities. So in this sense the concept of the market has become religious. The sad thing is that these ideas have been adopted by many elite in Asian countries, where the idea of God as an explanation of different realities was not originally strong. The concept was rather that God (or the four realities within Buddhism) should be the reality under which people live and that there are different manifestations of this reality.
It therefore seems like the concept of the market as an "absolute objectivity" has had devastating effects upon not only the level of poverty in developing countries but has also altered their way of thinking. But people realize more and more that there is no "free market" and that the market forces have to be controlled. If people can no longer vote on economic issues that deeply effect their lives then democracy is not fulfilled. But these changes would probably have to take place through actions related to political and civil rights, such as the right to demonstrate and strike.

Actions must be taken and would most likely be more efficient if the moral aspects, of the lie that the market is objective and that its results are unavoidable, are stressed.

The alternative to the present overwhelming system of the market or Mammon as being an "objective" measurement of not only efficiency, but also of Right and Wrong, must be of a different nature. The need for this different nature or alternative is obvious, at least to thinking people, when we consider the underlying foundation of the market system. Uncontrolled greed, ultimately backed by military might is not a foundation that is trustworthy and above all it does not lead to what economists themselves describe as a "Pareto optimal outcome," meaning that "an undisputable improvement has taken place if at least one person is getting better off without anybody else getting worse off." Theoretically speaking, all can become better off if there is "growth." So, growth, usually without definition, has become the solver of all eventual market problems.

Without a spiritual foundation for our material being, existence defined only in measurable terms has become a foundation for itself. This way of looking upon life is not going to be valid for a very long time as far as I can understand. But there are, in my opinion, grave misunderstandings of the terms "growth and market" as creators of a better life in all its aspects. Growth, only for the sake of keeping the wheels running seems to be an empty goal totally without value. Growth, meaning more access to food and agricultural land for the poor, and market, meaning purchasing power for the needy is however needed, since all these things point to a positive goal and have a clear humanistic value. At the same time nature is a "stock factor" that can be depleted. This was not realized until very recently
when a few radical economists dared to suggest that using up non-renewable natural resources generated not only income but also a depletion of wealth.

This whole process has a deeply religious meaning. We have to look upon ourselves and our place in the universe. If we think we are here as temporal beings without purpose then any of the materialistic world views might be chosen. But they do not lead to happiness, at least if we use the statistics related to social conditions in so-called developed countries. Suicides, drug abuse, depression etc. are all on the increase. The reason for this is quite simple as far as I can see. An overemphasis on materialistic aspects of life will, after some time, result in one turning out to be very bitter. But the majority of people in the world, including surprisingly many in rich countries, would be better off if their material conditions could be enhanced. Like Joe Hill said it is not enough for the poor of the world to “get pie in the sky when they die.”

Where do we find spiritual alternatives? “Within ourselves” is one answer that is getting more and more common, since religions have to a very large extent been manipulated into becoming tools into the hands of the powerful. I do not fully agree that all religious institutions prohibit positive actions, since many people try to carry out reforms from the inside of hierarchical structures. There is also a risk that religion, especially in Western countries, tends to be limited to a “find yourself within yourself” activity. That way it cannot be criticized, but at the same time it cannot be a strong force against social injustices. As a religious person I try to be both inward and outward looking and combine the two into one. At one time I left my church and stayed outside for ten years. Then I decided to come back, to be critical yes, but also to be an insignificant member trying to work together with other non-institutionalized people within and without different groups. My feeling after this is simply that God (or the Ultimate Purpose) does not belong to any institution or non-institution. God is in all religions, all institutions, all non-institutions, within ourselves and without ourselves. Therefore I believe that my own previous struggle with institutional versus non-institutional religion was less fruitful than simply being active in whatever setup I was in. If it is impossible to do what you have to do within an
institutionalized religion there is something wrong with the way the institution or collective religiosity is utilized for ulterior motives. This does not, in my personal view, mean that institutions set up by people will have to fail. The reason for this belief is that I think we are created by God and therefore some of our collective actions contain seeds of what is good and spiritual. The same goes for the market system. It is not only evil. If it is, unlike now, properly controlled within an institutional framework, it could work quite well and also allow other driving forces other than greed to be present.

2.10. Established Religious Institutions and Women’s Rights — A Question of Religious Authority
Midori Hayashi-Hallengren

It is no longer something new for the women’s movement within different religious institutions to get their voices heard even though the effect of this movement appears extremely slow compared to its dynamic vitality in non-religious fields. There are organized meetings which have engaged women from different religious backgrounds to discuss oppressive and liberating aspects of their own religions and have tried to interpret scriptures from a women’s perspective and take actions against unequal systems etc. In countries where secularization in societies is strong religious people usually talk negatively about secularized societies. But when it comes to the women’s movement inside religious bodies I feel that the movement has received much underlying support from the secular society where the authority of religions can be questioned. Authoritarian religious elite (often very committed people) take this as a sign of secularization of religious bodies and try to “save” the identity of the holy bodies from secularization through theologizing a traditional male monopoly as the symbol of religious authority.

My intention here is not to take up the struggle of women but to share my reflections on more essential religious motivations of the women’s movement. We have talked a lot about equality and a change of concepts of women but what happened was that in the process of realization women themselves became trapped in “the
patriarchal system" which they so often criticized. Our motivation was liberation according to the gospel and to search for an alternative society but in reality when women came into the established society segregation among women also started.

Dr. Gabriele Dietrich takes up this problem within feminist theology in her article "On doing theology in South Asia." (Vision, February 95, T.M.A.M. Orientation Center)

“We have to be careful that we do not just get caught up in the cosmetic changes of giving women more representation and visibility in a basically male defined structure. We may not gain much fighting for women’s ordination as long as the whole relationship between ordained of the church and the laity remains as it is.”

Maybe a more serious happening is that when women in developed countries entered the established society, segregation between them and the women in the developing countries (which make up two thirds of women in the world) started to widen and women’s issues became segmented.

Today when we talk about women’s rights we have to see this from a more holistic view and reflect on the source of rights. Who is authorizing the rights?

Our religious background tells us that God gave us the right to give authority to our fellow people on condition that each of us throw away what we think is authority before God. Authority in a religious sense does not exist as an object but rather as a mutual experience between people.

2.11. Thoughts on Economic, Social and Cultural Rights

Mark Daly

I feel a little bit intimidated by the thought of writing some brief thoughts on this topic for two reasons. The first is that I have spent my whole life living in a "first world" or "north" country being generally shielded from the critical issues of real poverty or lack of
education, issues which are the daily concern of too large a portion of our community. My thoughts are not from the gut. The second reason flows naturally from the first. I have to retreat into the aseptic world of theory and argument but with no time for this and an adequate treatment of this topic I hope that some first impressions prove useful to someone, possibly someone similarly situated.

I turn to the UN Covenant on Economic, Social and Cultural Rights and isolate the following three phrases only:

“...the inherent dignity of the human person”

“...the right of everyone to be free from hunger”

“...the right of everyone to education.”

I do not know the history behind how such rights have come to be referred to by some as “second class” rights, or not human rights, but at first blush it seems ridiculous to argue that these rights are not every bit as important as the right to “liberty and security of person” or “freedom of religion.” If you gave a person a choice of being denied the freedom of speech or being denied adequate food, which would they choose? The answer is clear and unfortunately the denial of both “types” of rights are almost always linked. Thus, at first glance, it appears that to make a distinction between Civil and Political Rights vs Economic, Social and Cultural Rights is artificial, not rational and is based on “other” considerations. Could this artificial separation be similar in design and purpose to the mysterious separation of human rights from “trade”? Is there a human rights world and a business world? To my knowledge there is only one world. Strong arguments are needed to overcome this “delinking thinking.” It is here that the “West” has to examine itself and its self-satisfied moralizing and ask itself what the effect of its policies are having on the global community.

It has been forcefully argued by some that until poverty is eradicated there is no point in discussing or allowing civil and political rights. This thinking can be dangerous as well and has been used to suppress all human rights. I think it is important that a strong and decisive counter-argument be developed to challenge such notions at every opportunity.
As already mentioned at this dialogue a strategy for change is to emphasize economic and social rights (without de-emphasizing civil and political rights) because such rights can gather popular support and with such support changes will occur. This strategy must be further elucidated.

2.12. The Community Approach to Human Rights
Noel Villalba

In the community of students, teachers, urban poor and internal refugees to which I belong, there is both a political tradition to participate in people's struggle for justice as well as a faith tradition that asserts God's identification with and presence in people's struggle and aspiration for freedom and justice.

Our encounter with the issues of poverty and authoritarian and patriarchal structure challenges our faith and demands a response in defense of people and their rights. We believe that our response is Christian and does not contradict the authentic history and understanding of the church of God. Unfortunately, the official church does not want to recognize our existence. Perhaps they do not agree with our interpretation of the Gospel. Or perhaps they agree with our interpretation but would rather that we do nothing about what we believe.

But who defines how faith should be understood and acted out? We do not deny the role of the Apostles and the Saints through 2000 years of Christian witness. But it is the community of faith where we are that reflects and seeks to comprehend God's demands on the faithful. In the end, the experience of the church is merely a guideline to enable us to respond to ever-changing conditions and problems. In the end, the community of faith wherever it is and at whatever period will have to choose its own course of action that faith demands.
2.13. Glorified Torture
Midori Hayashi-Hallengren

It is hard for anybody in this group to find any direct religious support for torture. Torture is against the nature of religion, which talks about the source of our existence and the dignity each one of us carries. But unfortunately religion has often functioned as a tool for creating unconscious victims of torture (the expression for this used by Swami Agnivesh is “glorified torture”).

Self-denial, total submission and sacrificing oneself to become free from a confined self, are very essential ideas for religious life. The difficulty is that when we practise them we don’t always realize in which context we are practising. Therefore these ideas are excellent to be utilized by ruling powers to keep the status quo. Obedience under authorities, readiness to suffer for the community and harmony in a closed community can also be in the common people’s (majority) interest.

We saw a 1980’s film documenting the practice of Sati in Western India which included various people’s reactions to the practice. The girl who died was glorified by leaders and became goddess of her family and of her community. It seems that this was a very important matter of identity of their community—especially for “religious” community leaders who were involved. The family and the community were elevated. There might have been a feeling of crisis in that community that needed some kind of remedy.

This may be a clearly visible but rather extraordinary example of “glorified torture” for us today. But unfortunately many women in this world still have stories (sometimes secret stories) about their sacrifice and suffering—often connected to violence in their own family life and community life.

Suffering must be given some meaning, otherwise people cannot take life as it is. Lots of women live on myths about women, which their community has provided. Many still don’t have any possibility to find out the real meaning (for themselves) of what they went through. Surely there have been many voiceless conversations between God and these women. But to talk with God publicly and
think aloud has not been a female tradition. That is why women today are encouraged to come out with their own her-story, not history (his-story) which is man made for the consumption of women.

To come out from a common myth in a closed society is extremely difficult. People often do it when they feel they have nothing more to lose. People may change religious identity to be able to find new meaning in life or sometimes fall into another myth which carries a new terminology. But often the new myth has a similar structure to that of the old myth.

People also find great difficulty to accept that they sacrificed themselves for something “wrong.” Accepting is like psychological torture. We have a typical example of this in Japan. Lots of people were forced out of the country in the 1930s and 1940s in order to “support the nation and the Emperor.” There was no alternative information on the reason for the Japanese aggression. After the war it was almost impossible to cope with the realities. Did my husband, wife, daughter or son die in vain for something wrong? This is a favourable question for the conservative authorities.

The examples given above show the danger of forced and unreflected sacrifice. But, sacrifice has often played a very positive role. In Guatemala, in the 1970s and 80s the military confiscated Bibles among Indians. To own a Bible, where there are many stories of fraud and fighting against evil, was dangerous. The Bible here became a tool for a just struggle. In Poland, during the time of Solidarity’s highest popularity, the church was regarded as a truth sayer and churches were always full. The church played an important role in indirectly supporting union leaders and others who struggled for freedom and at times had to sacrifice their own lives. (Today these churches are rather empty and play a minor role; actually they are quite passive.) Buddhist monks were often imprisoned in Vietnam when they demonstrated against the U.S. bombs. These same monks are at times demonstrating today against other forms of injustice. The world is full of crucified people, who died for their sisters and brothers.
2.14. Some Salient Points From The Discussion On
The Life of Arch-Bishop Oscar Romero

Insolent Might

2.14.1 "Give me the strength never to disown the poor or bend my
knees before insolent might."- Geethanjali by Rabindranath
Tagore.

There are two types of insolent might. The insolent might
of the people of the regime who are rich and have political
power.

Then there is the insolence of the elite of the United States.
They represent the power of Capitalism. Capitalism creates
and maintains poverty. It is necessary to think of the ways
by which poverty is maintained. To maintain poverty
attitudes are developed whereby there is a total disregard
for the people, particularly the poor. These days there is a
massive commitment to the free-market economy. The impact
of this needs to be examined. False religion deals with
salvation as in the other world, like some people portrayed
in the film. This idea is captured in Joe Kill’s quote, “Pie in
the sky, when you die.”

2.14.2. The link between the people and religion

Romero said people are Jesus. In the developed countries
priests do not say that. Here there is an identification with
the people.

2.14.3. Romero and Gandhi

There seem to be some similarities. However in the situation
of El Salvador there was little opportunity for non-violent
action.

The Transformation

2.14.4. The film centres on the development of a priest into a role
model by his increasingly becoming involved with the issues of the people. Religion tends to get bogged down in rituals. Can this tendency be changed so that there is a closer link to the struggle of the poor? And what happens if such a link is not established?

There is a need for constant renewal and for self-examination in religions. In addition, there must be a critical examination of US military might and the role it plays in suppressing people and marginalizing the effectiveness of the United Nations.

**Suffering**

2.14.5. The involvement of the priests in peoples' struggles took place in the Philippines too. Many priests were killed. No bishop was killed.

What is really important is the spontaneous response of a person to human rights violations and not whether he or she is a priest.

Sufferings have united the people in the Philippines.

**Moral Crisis**

2.14.6. The underlying moral crisis of the society is reflected in the film.

**Music**

2.14.7. Music can desensitize the people. In Nazi camps people killed others all day. They listened to nice music and killed again the next day.

A film like this needs to be contextualized as it raises emotions and often over-dramatizes and embellishes the actual facts.

**Thought Control**

2.13.8. In East Asia just now there is no direct violence as shown in
the film. But there are indirect methods of thought control. There is a total control of thought. Groups censorship also exists.

Desensitization

2.13.9. There seems to be a false religion growing in the West which desensitizes people to actual sufferings and actual violent human rights violations. People of the developed countries do not want to listen to or see the actual violations. The generation who witnessed the world war understood some problems of the third world more than the present generation.
3. Conclusions, Observations and Recommendations

3.1. The struggle for the promotion and protection of human rights is inseparable from a struggle against a materialistic world view and practices that are based on such a world view. Materialism is internally linked to inequality and irrational limitations of liberty and is incompatible with a conception of sisterhood and brotherhood of humankind. A genuine spiritual dimension is essential for a world order in which the dignity of the human person and the integrity of nature and the environment would be respected. A holistic approach incorporating economic, social and cultural rights as well as civil and political rights calls for a situation in which a deeper dimension of human life is recognized.

However, such an approach should
radically oppose escapist religious traditions, which are also really rooted in materialism. Practices of established religions which often provide the “spiritual justification” for human rights violations need to be exposed continuously and condemned. The name of religion is often used to spread hate and greed. The ritualistic approach to religion often co-exists with gross forms of discrimination, practices of crass inhumanity and the crudest forms of communalism. Thus conventional religion is no longer compatible with promotion and protection human rights. Such religion is responsible for the creation of deep forms of poverty, extreme forms of violence, and the basic violation of all values and norms of civilized conduct. The weapon of hypocrisy is essential for causing and maintaining violent practices resulting in human rights violations. Conventional religion readily provides such hypocrisy to all violators of human rights.

Love, compassion, loving kindness, justice, truthfulness and mercy are foundations of a genuine spiritual approach. However these need to be actually practised in order to promote equality, liberty and fraternity. Genuine love and compassion are inseparable from the uncompromising struggle for justice. The genuine struggle for justice is inseparable from the uncompromising struggle for truth. Without mercy justice can degenerate into revenge. Within established religions it is no longer possible to perceive a serious attempt to promote a spirituality rooted in love, compassion, loving kindness, justice, truthfulness and mercy.

"Only for the compassion of heart God created humanity Otherwise for worshipping him there were enough angels around"
- Pakistani Muslim poet

3.2. Clash of Spirituality: Materialism vs. Spirituality: In the economic sphere, established religions support a completely materialistic approach to life, based on unscrupulous accumulation of private wealth, unjust distribution of wealth and ugly consumerism. In the social sphere established religions often promote racism,
communalism, castism, patriarchy and other forms of inequality. Politically they support suppression of liberties, national security laws and even militarism. By these practices, organized religions participate in creating and maintaining violence. Violence creates and maintains hate. This spirituality results in separating the inner and the outer, thus creating deep splits within each person. It also splits the male and the female and every aspect of life that contributes to creativity and harmony. Thus, organized religions have become a serious obstacle to the practice of love, compassion, loving kindness, justice and mercy. They destroy the balance within each person and society; they split man and nature thus creating an irreconcilable enmity between the two.

The human rights movement needs to counter the modern materialistic spirituality of greed, inequality, and hate, with a fresh and living spirituality that respects human dignity. There is a need for a spirituality that promotes harmony with nature, with fellow human beings and within each person. Socially, this spirituality needs to be rooted in real justice and mercy. Such a spirituality needs to be rooted in the great spiritual traditions of humankind, manifesting itself in multiple ways giving rise to multiple originalities. These great traditions must be unshackled from the bondage of institutional religions and dominant ideologies.

Huntington’s theory of the “clash of civilizations” which has now become the dominant ideology, is an ideology rooted in materialism and is intrinsically linked to promotion of conflict, violence and hate. It has provided a justification for large scale human rights violations of economic, social and cultural rights as well as civil and political rights. It is an ideology meant to provoke war, extra-judicial killings, disappearances and torture, and deep impoverishment of vast populations.

3.3. Loss of Meaning: With the rapid changes that have taken place in this century, and with the commodification of all aspects of life, the individual faces an inner vacuum and a sense of loss of meaning. The loss of the concept of social justice has
disconnected individuals at such a deep level making the discovery of meaning from human links farcical. Attempts to create new identities and meanings without addressing the fundamental causes of disconnection, have resulted in aggravating this farcical situation. Human beings have become comic objects destined to devote themselves to consumption. The over-consuming human becomes insensitive to others who are deprived of even the basic necessities. Over-consuming humans have replied with bullets instead of rice to those who cried for justice. Sacredness of life and nature have become irreverent aspects of the social discourse.

If human dignity is to be genuinely respected, there is a need to create meaning by way of a new spirituality that rejects materialism. Such a spirituality must be capable of restoring value to human life and must connect human beings with nature.

3.4. That the religions should join hands with the NGOs and other organizations to fight particularly for economic, social and cultural rights. The example of the Religious Superiors who are participating in the NGO conference in Bangkok, of the Asia-Europe summit, is a good example. Such collaborations should be extended further into many other areas and be intensified.

3.5. There should be a protest against the idea that Economic development should predominate over all else. That idea has a disastrous effect on the rights of people. Deeper impoverishment of the people and an ignoring of all the aspects of social reform are the results. It is necessary to fight against this new ideology as economic injustice is at the root of violence and the denial of all political rights.

3.6. On occasions of political killings it is very essential to show solidarity by being with the people. Emotional, psychological and moral support is essential. Religion could play a great role in providing such support.

3.7. In dealing with ritualistic religion, it is necessary to redefine one’s position on the basic virtues, such as compassion, loving kindness, love, justice and truth. Through the working of a redefinition in actual life one changes one’s relationship to oneself
and to others. One goes through a constant purification process within oneself and constantly establishes a new relationship with others and with nature.

3.8. The concept of human supremacy is harmful to oneself, others and particularly to nature. The destruction of the environment on the basis of asserting man's overriding power over nature has caused immense destruction and is capable of unleashing greater destructive powers.

3.9. Human rights movements need to understand the modern methods used by the dominant powers for mind control and thought control. The methods used are extremely complicated, extensive and sophisticated. As these forms of control destroy the spiritual powers of human beings these are also of tremendous concern to religions. Thus, on this aspect, human rights movements and religious movements have a common cause to struggle against. Both movements could evolve common programmes for this purpose and engage in constant dialogue.

3.10. Genuine religion is at all times interested in the victims who suffer injustice and inequality. False religion collaborates with the perpetrators of such injustice and inequality. Thus there is a constant conflict within religions between those who struggle against and those who support injustice and inequality. The human rights movement can collaborate with those pursue such struggles within the religions.

3.11. In the past the human rights movement has confined itself mostly to the political sphere. It is very essential that the human rights movement make its contribution in the ethical and moral sphere. In doing so the human rights movement will have to extend the boundaries of it’s discourse.

3.12. As it begins to participate in the living discourse on morals and ethics, the human rights movement will come face to face with religions. It will be confronted by various religious forces that have become ethically and morally degenerate as well as those which are dynamic, and authentic in each religion. The human rights movement needs to anticipate and be prepared to face
this situation.

3.13. The human rights movement should not underestimate the tremendous destructive potential of the organized and established religions. In this respect it is not only the State that violates human rights. Organized and established religions of whatever the variety have played roles in indescribable human rights violations and they continue to do so. These must be condemned by the human rights movements. Human rights reports must also deal with these aspects. In this struggle the human rights movement will find great allies, within religious movements themselves, among those who fight against the destructive role of organized religions.

3.14. There have been many religious movements which have consistently fought against human rights violations in recent times; the movement led by Dr. Ambedkar who fought against the caste system in India and the struggle against the tyranny of Marcos in which many Filipino religious organizations participated side by side with peoples’ organizations are some examples. The human rights movement must constantly study and learn from such experiences.

3.15. The recent attempt by the Filipino Bishops to offer asylum to the Vietnamese held in refugee camps was a great gesture in a world increasingly becoming hostile to refugees. In many other countries religious groups have been involved in relief work for refugees and displaced persons. The human rights groups need to create awareness that principles of equality, liberty and fraternity apply to these persons and develop deeper links with persons who promote their welfare. It is sad to note that, except in few exceptional instances, established religion has not shown sufficient concern for refugees and internally displaced persons. They have often supported the prejudices and notions which are hostile to the interests of these persons thereby directly or indirectly participating in their persecution.

3.16. As human right movements in the past were engaged mostly in protests regarding political rights, they have often neglected the aspect of fraternity — the sisterhood and brotherhood of
all human beings. To work towards economic justice, gender justice, and justice relating to nature and environmental issues, it is necessary to return to the basic theme of fraternity. On the other hand religions have, most of the time, paid only lip service to a sisterhood and brotherhood of human beings as they have ignored the issues of justice. Thus this area remains a rich source for dialogue between religion and the human rights movement.

3.17. Human Rights are Birth Rights: There are some religious doctrines which deny human rights as birth rights to some sections of the people. Some religious doctrines accept caste and gender inequality. The doctrine of Karma, as it has been popularly understood, has been used to justify poverty, the caste system and gender inequality. The doctrine of original sin has been used to discriminate against women. Theological theories that deny the priesthood to women are also based on notions of gender inequality. Violence and suppression against women are justified as sacrifices made for family and society. Ethnic discrimination is also supported by various types of religious doctrines. Superstitious beliefs promoted by some religious groups for their own benefits are designed to support discrimination. The Hamaticus is another doctrine which has been promoted to support racial discrimination. All theological notions that support biological inferiority, ethnic inferiority or cultural inferiority are attempts to support discrimination. All such theological notions and religious doctrines need to be categorically condemned.

3.18. If human rights as birth rights are to be actualized in the lives of the people, equality of opportunity should become a reality. The opportunity for education is a basic right. However, if the exercise of these rights is to be real, the quality of education imparted, particularly to the poor, should not be an inferior quality of education. If religions are to promote the right to education, they should concentrate on promoting education particularly for the poorer children. Education is often denied on the basis of caste. Thus the poverty and the bondage of one generation is replicated over and over again — and religions
have done very little to eradicate caste-based discrimination with respect to education.

3.19. Bonded labour is based on the inability of the poor to pay back debts. Religious beliefs have been used to support the creditors as against the rights of bonded labourers. When a poor bonded labourer dies before the payments of his debts his wife or children are made to become bonded labourers. The religious notion that these wives and children are working for the purification of the their ancestor/s, who suffers in hell for non-completion of his debt payment, is used to justify such bondage.

3.20. Religions have paid only lip-service to the promotion of the rights of children. Millions of children in Asia work as child labourers instead of receiving an education that will prepare them for the future. While religions preach the primacy of protecting children, they virtually ignore the rights of these children. The human rights dialogue with religions should include a constant discussion on the promotion of the rights of children and particularly the children of the poorer sections of society.

3.21. Almost all religions have a doctrine dealing with the sacredness of the human body. However, religions have done little to eradicate wide-spread torture carried out particularly by the police in many parts of Asia on day to day basis. None of the original teachings of religious founders support torture. In fact, their teachings are opposed to torture. However, religions themselves have engaged in and have encouraged torture under certain circumstances. The inquisition in Europe is one glaring example. In Asia there has been little opposition to torture by institutional religions. The human rights movement needs to further the dialogue on the basic contradictions inherent in religions which do not take all possible steps to eradicate torture. Religious leaders often support the state which violates the basic rights of people under national security laws. This also occurs in relation to disappearances, extra-judicial killings, and other forms of violations of rights which result in the denial of the right to life in one way or another.
3.22. The right of labour to move from one place to another needs to be recognized. Extremely rigorous immigration laws have been developed to deny these rights to labour. Religions have rarely opposed such immigration laws. The moral obligations of religions to fight against such immigration laws and to provide other services to immigrant/migrant workers need to be stressed. Compassion towards immigrant labour is a concept that most religions find increasingly hard to accept.
4. Papers

4.1. Religion and Human Rights: Let Us Strive for a Universal Spiritual Ethos

Swami Agnivesh

I would like to recall my own journey. Born as I was to a very, very, orthodox South Indian Brahmin family of South India, I was steeped in rituals, superstitions, dogmas, caste—everything in the name of religion. As I grew I practised all these very much. I was a religious young man until the age of 17. Highly superstitious.

At the age of 17 I came to Calcutta for higher education and there was an encounter with another movement which considered itself to be a religious movement but it was in fact a revolt against orthodoxy and Brahmanism. The
movement was "Arya Samaj," and the founder was Swami Dayanand. I was fascinated by this new approach. First of all, what fascinated me most was the encouragement given to questioning my own religion and all these dogmas and rituals. I questioned everything I believed to be religious authority. In the process of questioning I thought I felt that I was very much liberated from within. Most of these beliefs and dogmas and rituals disappeared. They found no place in my own life and I thought they were very superstitious, had no basis at all, and it took no time to give them up. What I substituted them with was another world view which was far more profound than what I used to believe in. The new world view was based on a completely new concept of God. Earlier, I thought God was like some body, like a human being, or a super human being, who would be pleased at times and be angry at times, depending on my approach to God. If I am praising God he should be really happy. If I am not praising Him, the human being in Him must be getting angry. So the elements of fear and insecurity were very prevalent in my earlier religious experience.

But now my thinking was that God was certain principles. God is truth. God is love. God is justice. In order to worship God I don't have to go to any temple and I don't have to worship any particular God or Goddess or perform any ritual. I just have to be more loving, more compassionate, more just. It was a highly liberating process—so much so that my own life started looking like that of an atheist. Suddenly, there was a switch from a devout practising Brahmin to a completely non-practising person. There was nothing outwardly to show that I was still religious. And yet deep within me I could feel that I was really being more religious. Genuinely religious. So that was the transformation.

As I grew with this experience, I started questioning some of the postulates of the movement, the new organization with which I was associated. This questioning was now basic to my evolution. I therefore started questioning even some of the few rituals of the new movement. I even began to question some of the writings of the founder of the movement. I started to question Swami Dayanand's own writings. What I felt was that the more I tried to evolve and question the genuine religious practices in terms of being more loving,
more kind, more just and more compassionate, I found that there were two types of such religious practices. One was just being oneself and being more loving, kind and truthful. Because God is truth I have to be truthful. But it did not help. If all around me the forces of untruth are raising their ugly heads and I am not confronting them, or challenging them, then what type of religion is this? In Calcutta, when I was studying, I could see dehumanizing inequality. There were people sleeping on the pavement while others owned palatial houses. Children begged on the streets while others attended convents or public schools nicely dressed. These simple things which I used to encounter I had previously ignored or thought that they were something that God had ordained, something called fate or something related to a previous life, or *karma*. In this way I was not responsible. But now I started questioning these social structures. Whatever I saw outside I thought to myself that this was not justice. I asked myself, “Can I be insensitive to all these gross injustices and yet be truthful, compassionate and kind within?” I said to myself, “No.” This is not possible. This was again my personal evolution.

I derived a lot of strength or reinforcement from various individuals and various organizations. I tried deriving strength from sources such as Christianity and Islam and after some time found that I drew much strength from what is normally understood to be Marxism. When I started questioning this gross injustice all around me I found, that unlike most other religious leaders, it was Karl Marx who went to the root of injustice—the production relations, the ownership of means of production and distribution etc. I found this to be very profound. It was spiritually very profound. In this way I grew and was one day expelled by the same organization for which I was working—Arya Samaj. The national and international leaders thought that I was too much of a rebel and they expelled me from their primary membership.

For them dress was important. My being a Swami and wearing the orange colour was very, very important. It was almost as if the symbol had become the religion for them. I said, “No, this cannot be my religion. I am wearing orange. Fine. But orange cloth is not my religion.” My religion is to resist injustice and if for resisting injustice I have to give up these clothes and put on something else
there should be no hesitation.

What I now realise and experience is that religion is trying to be as close to God, the Creator, as possible and God is seen as comprising the values of truth, compassion, love and justice. Nothing personified, nothing incarnated, nothing sitting in judgement or anything like that. But how do these values relate to God. In order to be God-like and in order to liberate myself from within, from bondage etc., I have to be truthful within and fight the forces of untruth from without. Both. It is an activist and spiritual concept. It is not passive but activist and active and proactive. This is how I grew into this whole struggle for human rights. Human rights of the poor. And it is not just my concern for the poor—it is also a concern for myself. I am trying to liberate myself every day and every moment. Myself and my social life are inextricably two sides of the same coin. It is nothing that I have given up. Apparently I am being compassionate as if I am doing something good to another. But in fact, I am being very selfish and being good to myself all the time. So this is all I have tried to evolve.

I feel that in this task of human rights there is some element of arrogance. Human beings have come to acquire some sort of supremacy in this whole creation.

We human beings say that we are the supreme creation and therefore, we have rights and these rights are enforced against nature and against animals. In this manner we seek to enforce our rights against the environment. It is only where we feel our collective existence is threatened when we then try to compromise and rationalize human rights in terms of them being universal or inalienable. But that basic humility is not there which acknowledges that we human beings have ALSO been created by God. And whether it's God personified or God representing the values of truth etc. we have to be truthful and fight the forces of untruth; we have to be just and fight the forces of injustice. This is the aim of our lives. This is how we will liberate ourselves—moksha⁴ or mokti whatever you call it -- salvation.

When we talk only in terms of human rights, as Samuel Rayan⁵ was trying to say in the earlier part of the discussion, the element of secularism dominates. We tend to become highly secular when
we are talking about human rights and the role of the states, the governments, the laws, and the charters all come to play a very important role. But the type of human rights I practise does not draw its strength from these books or these charters or constitutions. I draw inspiration for the source of human rights from my commitment to my creator — to my God. When I say that as a human being I have a right, I also try to analyse what I am and who I am. When I look at myself I feel that if I am breathing in order to be alive, I am not really breathing, breathing is happening to me. If I am seeing, I don’t know how I am seeing, yet I am seeing. If I am a human being I was born but being born was not in my hands and one day I will be dead and dying will not be my choice. Everything is beyond me. I cannot decide about myself. If I am eating something, how it is getting digested in terms of blood, bone or whatever — I don’t know. In this whole nature, the whole cosmos, I am a very tiny small part. And the process has to be evolving, evolving and becoming closer to God.

The denominational religions are the organized hierarchical, institutionalized religions which are known by different names. What I feel are the values which are behind all these religions. I also feel the values which are behind Marxism because Marxism today has also become a religion. It can also be organized, and institutionalised and therefore can be very dominating and suppressive and repressive and dogmatic. But the force behind and the values behind Marxism are still very basic and we have to draw sustenance from them. It is the values which are the most important. And since those values represent God, Gandhi, during his South African struggle, said, "God is truth." Towards the end of his life he said, "Truth is God. Love is God. Compassion is God." That was also what Buddha said. For Buddha, truth, love and compassion were supreme spiritual manifestations. We don’t have to define it and say it is God or whatever. It was out of deep compassion that he stood up against the then dominant forms of God and religion; that was spiritual activism. And Buddha was instead called an atheist. The same thing happened to many other religious leaders. The dominant religious leaders then turned against these great religious leaders and labelled them as heretics or atheists. These people were rising up against those dominant religions of God-form because they found them to
be oppressive and unjust. This occurred because of the urge for and justice, the overwhelming spontaneity of compassion. That was God within them and God manifesting himself through them. And they became sources of inspiration for men and women, and therefore, a new religion was born. All these new religions protested against orthodoxy or whatever was dogmatic. But during institutionalisation, meaning was lost; the form remained but the substance and everything was lost.

So one must define, redefine and redefine the concept of God — God who created this whole universe! God created us and God sustains us. We have to feel very humble before God and dedicate ourselves to prayer and through that reinforce our commitment to our human rights. But human rights should encompass animal rights, nature’s rights and creation’s rights. It is very difficult to have human rights as a class by itself.

Human beings have to understand this whole process of evolution. Each individual soul has to find the path to liberation drawing upon whatever sources exist and not discriminating between one religion and another. In fact, I would like to call it spirituality — spiritual ethos. I would rather call it Dharma⁶ or Dhamma.⁷ But if I say Dhamma, then it becomes Buddhist. If I say Dharma, then it becomes Hindu. These are the problems. I don’t want to define it, name it anything. That is why I have distributed one paper in Bangalore which was called “A4.” We had some lay people who don’t claim to have any religious authority as a Priest or a Swami or a Monk etc. They laid down some common principles on one small sheet of paper. So just on one side of a page—the size of the paper is A4 and that is why we call it A4 — was the new religion. This is different from all those scriptures and heaps and heaps of interpretations. Humanity can live by this simple one-page ethical and moral code and without Messiah, without institutions. These are simple moral principles which are already present in all these religions. And yet they are very deep, somewhere, forgotten. Only the form of the rituals remain and therefore, they are confusing. So I still feel that the dialectical process of body and soul and of matter and the spirit, have to be resolved everyday on the basis of knowledge, reasoning etc. But what appears to be truth is really not truth and what appears
to be permanent is really not permanent. The impermanence of things all around me should inform me and I should be very cautious not to become consumeristic. Consumerism will eat into the spiritual side of my life. To be spiritual is to be God-like. God is truth. God is compassion. Compassion and truth should be manifested not only within but outwardly in resisting tyranny and untruth. It is as simple as that.

At every stage and everywhere, wherever I am moving, I have to be very sensitive about all that is happening inside of me — the aversion and attachment constantly happening within me.

This is a constant everyday evolution and the evil within me is the biggest hassle. This is because evil says I am and my body is and what I relate to—my family or my world. And that creates all these problems and therefore, I transcend the evil and transcend myself. While it's still alive and has the body I have to transcend. Now these are the spiritual practices. The human rights debate is lacking this dimension completely. It is so superficial. We are talking in terms of rights without much deep commitment. Why do I need to be loving and kind if I can grab your wealth and thereby try to be more happy? Why would I not do it? But I should realize what is this kind of happiness and pleasure. Real happiness is peace. If that is my goal, then I cannot grab others' rights or others' wealth. Now, that type of spiritual dimension, a deeply spiritual and profound dimension, has to be imparted into this whole debate of human rights. And this kingdom of God has to be established. By defining God, again and again we have to be careful not to get bogged down to one of these prevailing concepts of God; all the religions have their own concepts of God and, without being disrespectful, I would still submit that they should all try to discover the real nature of God.

So this is all that I want to share with you. And I think it is so intrinsic to one's spirituality that you don't have to think of human rights as being separate. And there it becomes inalienable for me and for you and for everybody, and for the animals and plants also, for the well-being of the whole being. The holistic thing.
End Notes

1. A modern Hindu movement, advocating a return to Vedic doctrines, whose activities include proselytization and extensive social work.

2. A Member of the highest, or priestly, caste among the Hindus.

3. In Hinduism & Buddhism, the total effect of a person’s actions and conduct during the successive phases of the person’s existence, regarded as determining the person’s destiny.

4. Freedom from the differentiated, temporal, and mortal world of ordinary experience. Also called mukti.

5. Samuel Rayan, a Jesuit priest, is a renowned Catholic theologian from India. He was also a participant in the same workshop — Dialogue of Religion on Human Rights.

6. Conformity to religious law, custom, duty or one’s own quality or character.

7. The spiritual life in Buddhism (Hinayana).

4.2 Human Rights in Hong Kong
Rev. Kwok Nai Wang

THE PAST

It has often been said that Hong Kong is one of the freest societies in Asia, if not also in the world. This is because the Hong Kong government, although colonial, is answerable to one of the oldest democracies in the world, that of the United Kingdom.

Over the past century and a half, so long as they did not directly challenge the government’s administration of the colony, the citizens of Hong Kong could enjoy a wide scope of freedoms. However, an attitude of “don’t rock the boat, play if safe” was the general dictum accepted by the majority. Law and Order was something to be cherished in all Chinese societies, including Hong Kong.

Even though the mandate of the Hong Kong government did not come from the citizens of Hong Kong, it still enjoyed their full support. The Hong Kong government was perceived by the citizens as quite efficient, fair and clean, especially following the founding of the

The Hong Kong government was very colonial. Public accountability and transparency were all foreign in the minds of the 170,000 strong civil servants. They tried to resist all forms of challenges from the general public, especially from a handful of pressure groups. In order to maintain its full control, the government also retained a set of draconian laws in the Hong Kong law books. Responding to public pressure, the government replied that these laws were used very sparingly. Public fear was unwarranted. In reality however, whenever these laws were implemented they seriously abused the basic human rights and dignity of individual citizens.

On the International Women’s Day in 1988, about one hundred women demonstrated outside the Legislative Council building. They urged the Legco members to give more support to women’s rights. The demonstrators, even though they had obtained a police permit for their march, were denied access to get near the Legco building and refused permission to use loud hailers. These stringent stipulations placed on the permit by the police were justified according to the Public Order Ordinance.

The Film Censorship Ordinance was another draconian law. According to the Ordinance, no one in Hong Kong could show a film in public which might cause embarrassment to the neighboring countries, meaning of course the People’s Republic of China.

But to the masses, the greatest source of annoyance and frustration must have been rooted in the Identity Card check, which may have included the search of belongings and at times a body search. These inspections, conducted by police officers, often took place in a public arena, causing embarrassment to those being searched as well as to those passing by. The Police Ordinance gave the officers the right to search an individual on two conditions. Identity Card checks could legally be enforced upon an individual if he or she was suspected of being an illegal immigrant or if the officer suspected that a person was in the act of committing, or had already committed a crime.
THE PRESENT

In 1985, indirect elections were introduced into the Hong Kong Legislative Council. Twenty four of the fifty six seats were indirectly elected. In 1991, direct elections arrived on the scene in Hong Kong. Eighteen out of sixty seats were directly elected by the citizens of Hong Kong on a one person one vote basis. It was the elected Legco members who forced the Hong Kong government to be more open and accountable to the people of Hong Kong.

In June of 1991 a Bill of Rights was enacted by Hong Kong’s Legislature. However, the Bill has not been given supreme status nor is it firmly entrenched in Hong Kong’s legal system. Furthermore, the scope of the Bill falls way below international standards.

The Hong Kong Bill of Rights primarily contains the clauses which are included in the International Covenant on Civil and Political Rights (ICCPR), but it completely neglects the provisions found in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Hong Kong government argues that it is because “ICESCR rights are not rights that can be easily enforced in the courts.”

The fact that the provisions of ICESCR are not included in the Bill does not exonerate the Hong Kong government from acknowledging its citizens economic, social and cultural rights. In 1976, the United Kingdom ratified the ICESCR and extended those rights to the people of Hong Kong. In the 1994 November meeting of the United Nations Commission on Economic, Social and Cultural Rights, Hong Kong’s implementation of such rights was seriously scrutinized. The Commission’s report was critical of the Hong Kong government. The overall tone of the report was that Hong Kong is a very affluent society, yet the rights of the poor, the elderly and the racial minority groups are not adequately cared for and protected. Several thousand single people still live in “caged homes”, while elderly individuals who depend on the comprehensive social assistance scheme have only HK$40 to meet their daily needs.

The rights of minority groups are often overlooked by the government. Legislation that aims to protect overseas workers is highly inadequate. The 25,000 imported labourers from China and
the 130,000 foreign domestic helpers are often mistreated. It is widely reported that a great number of workers from China only get one half of what has been promised to them in their contracts. The two-week rule for the foreign domestic workers certainly impairs their economic, social and cultural rights.

On the surface Hong Kong appears to be a very affluent society. According to the 1995 March 17 issue of Asia Week, late last year Hong Kong overtook both Japan and Germany in its per capita GDP (ppp) (Hong Kong's is US$21,670; Japan US$21,090; and Germany US$20,165). Hong Kong is catching up on the U.S.A. and Switzerland, who have the two highest per capita GDP's in the world. However, not everyone in Hong Kong is affluent. Actually, the gap between the rich and the poor of Hong Kong is increasing at an alarming rate. Twenty years ago, the Gini-coefficient index for Hong Kong was 0.43. It jumped to 0.48 last year. The income of the five percent of the population who earn the highest salaries in Hong Kong is twelve and a half times greater than the income of the five percent of the population who find themselves at the lowest end of the wage scale. In Taiwan the gap is only 4.2 percent, and in Japan only 4.0 percent. One must ask why is there such an enormous gap in Hong Kong?

One reason for this is rooted in Hong Kong's low and simple tax structure. The standard salary taxes are 15.0 percent with profit taxes sitting at 17.5 percent. This is by far the lowest in the world. Profit taxes for the other three little dragons are: Taiwan 27%, Singapore 31% and South Korea 34%.

The other reason for the stark gap between the rich and the poor is that Hong Kong's social and public policies fail to give due consideration to the underprivileged and the poor. In recent years the Hong Kong government has unwittingly adopted the so-called "pay according to the service you receive and your affordability" strategy. The policy seems fair superficially, but deep down it is the sandwiched class which stands to lose out. Hong Kong has yet to introduce a comprehensive social security system. On the whole, it is primarily the rights of the wealthy that are well taken care of in Hong Kong, not the basic human rights of the masses.

Hong Kong is a highly elitist society. Important decisions affecting
the livelihood of the masses are made by a very small group of “elites” composed of business tycoons and those who represent the interests of the tycoons. This elite group monopolizes everything from property development on down to public transportation and retail businesses. Their never ceasing price hikes are a source of the high inflation rate in Hong Kong in recent years.

When the government introduced the Hong Kong Bill of Rights it claimed that it copied word for word the conditions found in the International Covenant on Civil and Political Rights. However, it seems that there are two very important omissions. One is the “right of self-determination” found in article one, clause one of the ICCPR. Hong Kong citizens are deprived of this right totally. Even when China and Britain were negotiating about the future of Hong Kong, Hong Kong citizens were not consulted. In lamenting on this fact, a senior political leader, Baroness Dunn, pointed out a decade ago, that Britain has only the rights to return the land, but not its citizens, to China.

The other omission concerns the political rights of the people. Article 25 of the ICCPR states that every citizen has the right “to take part in the conduct of public affairs, directly or through freely chosen representatives” and “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage...”. The fact is that right now the Chief Executive is appointed and more than two-thirds of the legislative councillors are not elected according to the stipulation of the ICCPR.

Hong Kong is on the doorstep of the fourth anniversary of the introduction of the Bill of Rights into its legislature. Little progress has been made in terms of advocacy, amendments to existing laws which contravene the Bill and mass education. The government continues to reject the popular proposal for the immediate establishment of a Human Rights Commission. With no mechanism in place to enforce the Bill of Rights, Hong Kong has only a toothless tiger. The government is now trying to fend off other requests that will enhance the rights of fringe groups or the masses. One of the requests is for an Equal Opportunity Bill in which the aim is to offer broader coverage than that which is found in the Covenant on the Elimination of all Forms of Discrimination Against Women. Another
petition involves a more adequate labour legislation since the existing laws are too pro-business ignoring the needs of the labourers.

Finally, we must take note of the shameful reality that Britain has abdicated its moral as well as its constitutional responsibility in depriving 3.25 million Hong Kong citizens, who were born in its territory, their UK citizen’s rights. Seemingly, Britain’s actions have all but rendered the citizens of Hong Kong “stateless”. This contravenes Article 24 of the ICCPR.

THE FUTURE

China, Hong Kong’s sovereign state as of July 1, 1997, has repeatedly threatened to repeal the Bill of Rights. If China follows through, an important bulwark in the safeguarding of human rights in Hong Kong will be taken away.

On more than one occasion, Chinese officials have stated that China has no obligation to report to the United Nations Human Rights Commission (UNHRC) on how Hong Kong is doing in terms of the implementation of the two international covenants on human rights. This kind of threat is inconsistent with both the Joint Declaration and the Basic Law.

According to Article 39 of the Basic Law, “the two international covenants, as applied to Hong Kong, shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region(SAR).” Furthermore, according to Article 40 of the ICCPR and Article 18 of the ICESPR, the sovereign government of Hong Kong is duty-bound to make regular reports to the UNHRC.

To many concerned people, both within and outside of Hong Kong, the outlook for human rights in Hong Kong, in terms of scope and protection, looks grim. China has a very poor track record on human rights. The endless power struggles and political movements in China are extremely dehumanizing. Millions of people continue to suffer. Many have lost their dignity, if not their precious lives. The 45% of Hong Kong citizens who fled China after 1949 bear witness to all this. This explains why one out of every ten Hong Kong citizens has either left the territory or decided to leave for good before 1997.
The situation in China is a clear illustration of an authoritarian government whereby the government’s supremacy overrides the basic rights of its citizens. In the eyes of the Chinese government, prosperity and stability, at whatever costs, are the most important factors in this stage of its development. In order to achieve their goal, the ruling Communist Party must be in full control. This means that the citizens must relinquish some of their rights, in particular the right to dissent. Two years ago at a Bangkok conference on human rights, China argued that the most fundamental right for Chinese citizens is the right to survive, in other words the right to have enough food to eat. In the minds of the Chinese rulers, all other rights fall subservient to this one.

Hong Kong citizens do not only worry about China’s narrow understanding of human rights and its poor record on human rights. They also worry that China has a tradition of rule by individuals rather than the rule of law. Hong Kong citizens have a strong feeling that a powerful and often-times irrational regime is coming to rule. As 1997 is fast approaching they feel that there is nothing much that they can do about the situation. This sense of helplessness has driven many of them to be completely withdrawn and resigned to their fate.

Facing 1997, its citizens’ basic rights and freedoms are definitely at stake. Indeed, Hong Kong has reached a stage of development in which it needs more, not less space to manoeuvre. Its citizens must have more freedom to express themselves through work and play. Therefore, the most important responsibilities in Hong Kong over the next several years will be the attempt to find ways in which to safeguard its citizens’ basic human rights and the rule of law. Hong Kong citizens must address these needs, their needs. They must speak up. The British and the Chinese governments have solemnly promised, in the Joint Declaration, that after 1997 the Hong Kong system and citizens’ way of life will remain in force. The SAR government, composed only of Hong Kong citizens, will remain highly autonomous. Thus, in speaking up, Hong Kong citizens are not asking anything more than the full implementation in letter and spirit of the Joint Declaration.
4.3 Text and Interpretation: Superfluity on Issues of Human Rights in Islam

Dr. Charles Anjed-Ali

Let me make some preliminary remarks which will set the context for a fuller discussion of religion and human rights. What has to be recognized immediately is that the concept of universal human rights embodies values which not only conflict with other strongly held values and conceptions but which are incompatible with, and subversive of, certain forms of society and social institutions. A.J. Milne has seen the paradoxical implications of this in the United Nation's Universal Declaration of Human Rights which "professes to be a statement of human rights, irrespective of the particular social and political order under which they happen to live," but which "goes on to enumerate a detailed list of rights which presupposes the values and institutions of a certain kind of social and political order, namely liberal, democratic, industrial society."

Having said this, we must also face the paradoxical fact that there is a case for requiring some form of constitutional structure for all nations: they should be subject to the rule of law and with legal safeguards against the various forms of discrimination against, and violation of, the rights of their citizens. This is the fundamental problem we face today and a search for some direction for its resolution is always worthwhile. Such a search however should not mean a compromise or an acceptance of hegemony by any one.

It must be recognized that universal claims made in the name of all are often, in practice, claims on behalf of existing deprived groups or people against the more fortunate. It is also therefore at the same time a demand to surrender the privileges which are enjoyed by some at the cost of other members of society. Claims to universal rights must therefore be seen as claims which can establish universal entitlement, rather than claims which simply have universal support. Universal rights necessarily preclude any discrimination or exclusion, whether on grounds of "race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Maurice Cranston is thus correct when he writes of a human
right being something of which "no one can be deprived without a grave affront to justice. There are certain deeds which should never be done, certain freedoms which should never be invaded, some things which are supremely sacred."3

While the universal claims on human rights are, as I asserted above, claims by the deprived, we have to face squarely the paradoxical fact that the Human Rights Declaration was a product of the concerns of the victorious parties after the Second World War. And that the further work on various human rights covenants are also largely the product of the powerful states. Therefore the difficulty we face is who is to monitor human rights and does such monitoring require a violation of the jurisdiction and authority of a state and its territorial integrity. We also need to ask about how human rights impact upon cultural and ideological diversity. This difficulty is exacerbated by the fact that all such actions which are done in the name of universal and global principles have been at the expense of the Third World and have ended up extending further the hegemony of the North. Dworkin's distinction between weak and strong moral rights; where the latter are those rights which it would be wrong for a government to override simply on the ground that the exercise of the right is not in the public interest, or is contrary to the majority will4 can be helpful on a theoretical level but still leaves us short of some form of global implementing mechanism. These problems are compounded when we consider the topic "human rights and religion" and increase tenfold when the religion in question is Islam.

Jacques Waardenburg in his article "Human Rights, Human Dignity and Islam" makes some interesting observations about the religious reactions to human rights declarations. He argues that "It is significant that religious leaders nearly always adopted a critical attitude [toward these declarations] to start with. Following that, there were several possibilities of accepting human rights in principle, once it had become clear that public opinion was increasingly in favour of them." He then goes on to list these possibilities:

1. That these declarations had nothing new to offer "and that the religions concerned had a concept of human dignity and law which went further or was more profound than the Human Rights Declaration;" and
2. "To accept human rights as an ethical norm or code, and then to proceed by developing a theological basis for them with an appeal to scripture, particularly by attributing their origin and that of human dignity less to human nature than to God's grace."

He concludes by saying "that most religious responses to the Universal Declaration of Human Rights still reflect an ideological use of these human rights for the sake of the religions concerned, be it apologetically or polemically. Ideological or not, human rights undoubtedly have a spiritual meaning for religions people just as they have a political meaning in social life." This spiritual dimension cannot be ignored and in this paper I want to try and move beyond both apologetic and polemic approaches which religion normally adopts towards the issue of human rights.

In order to deal with the comprehensive concepts involved in the theme of human rights and religion, I first want to give a brief definition of belief which grounds these issues and provides the context for a discussion of human rights. For it is clear that the concept of religion is somewhat problematic in this context.

It is characteristic of belief, both that it is the subject of debate, questioning and interpretation by believers and non-believers, that there are different views as to what constitutes a belief; and that among believers themselves there are varying degrees of commitment to the practical implementation of the principles of a given belief. To have a belief in this sense is to have faith. Faith may be seen and understood in terms of the outcome of two quite different kinds of experiences. The first is faith through birth in a society or a community where all, or virtually all, of the members have a particular tradition of belief or set of beliefs. In contrast is faith through personal conviction which is a matter of the individual struggling, possibly against parental, social and other pressures, to arrive for herself/himself at the truth.

These two faith experiences can lead to situations of tension and conflict as the move to the second type of faith can well be seen as a betrayal of the first kind of faith—indeed as a betrayal of religion itself and of the integrating structures of society. This tension lies at the heart of the issue of religion and human rights. I will therefore
deal with the specific issue of the universal right of freedom of conscience and freedom of religion within the religious sources and specifically Islam as compared to those enshrined in the various declarations and documents dealing with human rights in the international context.

Much has been written about the relation of Islam and Islamic culture to western (and assumed Christian) notions concerning the organization of society and human rights. And, one must admit, that the point of much of this writing is to demonstrate that Islam and the west are at opposite poles with respect to these important issues. Thus Adda Bozeman concludes that Islamic culture is not guided by notions of right or principle, as the west understands them. Instead, Islamic culture is characterized by the governance of personalism and pragmatism, where ruling authority is "illegitimate and coercive almost by definition.‖ Similarly, Max Stackhouse has indicated that Islam is a religious tradition ill suited to democratic conceptions of society. It simply does not present the individual with those opportunities for freedom of action and association that are characteristic of western Christianity (in certain cases). Even an otherwise sound scholar such as James Piscatori who can conclude that the respect for life and property which Islam teaches and its practice of tolerance and fraternity indicate that it "unquestionably shares much of the spirit of the present human rights movement," can also say that Islam "does not advance the basic idea of inalienable rights, nor does it avoid distinguishing according to sex and religion." In short, "Islamic theory does not present a notion of the rights of the individual. Rights do not attach to men qua men. It is more appropriate to refer to the privileges of man.‖

Given such evidence, what is one to think of the proposal that Islam and the west (generally and falsely understood as the universal criterion) have much to talk about in relation to human rights and freedom of conscience? If one follows Bozeman and Stackhouse, for example, it seems that our dialogue is over before it has begun! And while Piscatori's discussion is more nuanced, his findings indicate that the best one can hope for is a limited exchange. This is so particularly with respect to the issues of freedom of conscience with which I am concerned.
A closer examination of the arguments of Bozeman and others reveal a gap of major import, which we must discuss given our desire for a "dialogical" process. This "gap" consists in the failure to pay close attention to what Muslim thinkers themselves have to say about human rights, especially freedom of conscience. Or, even where there is some attention to Islamic "self-statement," as in Piscatori's article, it is limited to the point of view of one school or party within Islam. It is plain enough that western culture is characterized by diverse perspectives on issues of human rights. Should one not expect a similar diversity within other world cultures and ideological frameworks? And how is one to evaluate this expectation without more extensive attention being paid to the statements of representatives of these cultures and ideologies?

Any discussion of Islam and religious liberty must begin then with the stipulation that a dialogical approach requires a greater appreciation of the statements of Muslims on matters of human rights. Further, it is important to know the extent and nature of disagreement among representatives of Islam on these matters. Our goal should be to understand the different perspectives that may be connected with the traditions of Islam. However, before we come to a discussion of these different perspectives in Islam and their approach towards human rights issues, it is important to lay out a little more fully the quality of attack which is made against Islam in general vis-a-vis its attitude on the universal human rights issues.

Pollis and Schwab conclude their essay "Human Rights: A Western Construct with Limited Applicability" by expressing a familiar objection to Euro-American ethnocentrism: "Unfortunately not only do human rights set forth in the universal declaration reveal a strong western bias, but there has been a tendency to view human rights ahistorically and in isolation from their social, political and economic milieu." This criticism is frequently applied to statements of rights that are contained in various internationally recognized human rights documents. The complaint is that these are so many manifestations of a highly parochial cultural and historical experience in these statements that, at certain points, they neither have nor ought to have anything definitive to say to peoples with other experience and traditions.
The charge is a serious and challenging one. Human rights advocates need to face it squarely and respond to it with precision and care. The charges of western bias and cultural discrimination have been most persistently lodged by Muslims and by western students of Islam against the statements in various human rights documents concerning the right to freedom of thought, conscience, and religion.

Many of the Muslim objections were registered in 1948 during the deliberations that surrounded Article 18 of the Universal Declaration, which states: "Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others in public or in private, to manifest his religion or belief in teaching, practice, worship and observance." In response, a number of Islamic countries (in particular, Saudi Arabia) attempted to delete this article. Failing that, they blamed others -- Lebanon, for example -- for supporting it because, they contended, the rights of Lebanese Muslims would be compromised by such wording. Interestingly, the same attack could not be made on Pakistan, which also supported the article.

Objections were raised by some of the same countries against the somewhat more elaborate version of the right to religious freedom contained in the draft of the International Covenant on Civil and Political Rights, which was later adopted and which stated: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice (Article 18, sect.2). And Article 26 of the covenant added another new stipulation which guaranteed equal protection of the law against any form of discrimination "on any ground such as race, ... sex, ... [or] religion."

More recently objections from much the same quarter were again raised in reaction to the draft of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In spite of the fact that they did have some limited effect on the final version of the Declaration which was adopted by the UN General Assembly on 25th November, 1981, there was quite a reaction by Muslim political officials. There is also the question, in the wordings of sections 1 and 2 of Article 2 of the Declaration against
Intolerance concerning legal discrimination "on grounds of religion and other belief" -- that is, of "any distinction, exclusion, restriction or preference based on religion or belief."

In the light of these criticisms from Muslim quarters to the various statements cited above we must look at some of the historical and practical practices by Muslim states vis-a-vis the minorities residing in them. Even though, as is well known, non-Muslim monotheists (dhimmis) -- namely Jews, Christians, Zoroastrians, and some others -- are traditionally treated more tolerantly than polytheists and other kinds of "disbelievers," they were hardly accorded full and equal rights. So long as they lived peaceably they were allowed to practice their religion (in a subdued manner); but they were nevertheless required to pay a tax (jizya) to the Islamic state - described by Majid Khaddun "as a form of punishment of unbelief."\(^{12}\)

What is more, Muslim authorities at times prohibited the dhimmis from marrying Muslims and from conducting certain forms of business, and the dhimmis were required at times, according to traditional Islamic law to wear distinctive clothing and to live in houses smaller than Muslim houses. Finally, in certain Islamic states non-Muslims are prevented from occupying high public office, as, for example, in Pakistan and most Arab states where the head of state must be a Muslim. In short, the record shows that non-Muslims in Muslim countries do not enjoy the rights to life and liberty in the same measure as the Muslims. Or as Majid Khadduri put it, "As a subject of the Muslim state [the dhimmi] suffered certain disabilities which reduced him to the status of a second-class citizen."

The conflict, then, seems clear. The articles on freedom of religion and conscience in various human rights documents appear to run afoul, at important points, of much "established" and "official" Muslim teaching about the treatment of apostates (murtads) and protected non-Muslims (dhimmis). There are at least four possible strategies we might adopt in face of this conflict:

1. We might simply advocate retracting all statements in favor of freedom of religion and conscience (or we might accomplish the same purpose by rewriting existing statements so as to make them innocuous). There are problems with this response. Are all human
rights statements to be retracted or emasculated whenever they encounter opposition? But, more to the point, there is actually little interest in the international community, even among Muslims, in taking such a radical step. Muslims, like others, seem committed to giving human rights status to freedom of religion and conscience, so long as those rights are properly restricted according to traditional teaching.

2. We might try to argue that devotion to existing freedom of religion statements entails allowing Muslim states, along with everyone else, discretion to define religious tolerance and its limits in whatever way they see fit. We would then be allowing Muslims the right to follow their own consciences, and thus act on their internationally guaranteed right to religious liberty. There are two problems here. One is that tolerating all possible policies and views, even the most intolerant ones, yields a contradictory result, especially when intolerance toward certain beliefs can be enforced. Equally troublesome is the fact that existing statements of the rights to religious liberty explicitly include prohibitions that contradict certain Muslim policies and this may lead to reciprocal repression of Muslim minorities in non-Muslim states.

3. We might cling to existing statements of the right to religious liberty and attempt to enforce them internationally by means of the same devices that the United States, for example, has from time to time employed when trying to enforce other civil, political, and economic rights. There are no doubt special problems of feasibility in this case. Moreover, without agreeing that a belief in freedom of religion entails tolerating any belief, even those that enforce intolerance, it does seem that the cultural differences over this question create some subtleties and perplexities for human rights advocates that are not present in respect to the more notorious violations, such as gross mistreatment of prisoners, political opponents, etc.

4. We might use the contemporary debate between westerners and Muslims over freedom of religion and conscience as an occasion for reconsidering the foundations and character of a belief in such freedom both in the west and in the Islamic tradition. If, upon careful critical examination, the conflict between western and
Islamic views concerning something so important and so basic as a right to freedom of religion and conscience turns out to be much less clear and consistent than has been alleged, then we shall, it seems, have some reason to begin to call into question the "limited applicability" of human rights declarations.

In this paper I have adopted the fourth strategy. I am convinced that the subject of human rights in general and the right to freedom of religion and conscience in particular has suffered in the west from a fashionable but unconvincing belief in relativism, and in the Islamic world from a failure to subject the Qur'anic foundations of Islamic faith to rigorous and sympathetic reexamination in light of the issues under consideration here, as well as the failure to acknowledge the internal complexity of the Islamic tradition in regard to those matters.

It is certainly not difficult to show that Islam, like other of the world's religions, postulates a foundational division between two sorts of laws of behavior — "the ways of Allah," on the one hand, and "the ways of the world," on the other. The more sensitive question is whether the ways of Allah, after all, are systematically conceived in reference to a belief in the irreducible differentiation of the human person from this-worldly-causes and constraints. In other words, is there a law of the spirit, of the inner life, that from an Islamic point of view is sharply distinguished from the laws of the outer, including civil, life?

The answer is, I suggest very tentatively here, affirmative, a verdict that has the most important consequences for understanding the idea of religious freedom in Islam. Just as there is evidence in the Qur'an that true religious belief is a deeply inward personal matter, a matter of the heart (kalb), there are firm grounds for several quite unexpected affirmations in the Qur'an of religious tolerance and forbearance. There is, to begin with, Sura 109, "The Unbelievers."14

Say : O ye that reject Faith! I worship not that which ye worship. Nor will ye worship that which I worship. And I will not worship that which ye have been wont to worship, nor will ye worship that which I worship. To you be your Way, and to me mine.

Even more pointedly, the Qur'an states, "Let there be no compulsion in religion" (2:256) — words that begin to make one think
of the emphasis placed upon the irreducible voluntariness of religious belief. In fact, the Qur'an stresses that an individual's spiritual destiny is strictly between the person and Allah. Other people (including the Prophet) have no power to alter coercively an individual's religious beliefs, nor, for that matter any responsibility to try. Presumably genuine submission or surrender to Allah's will, along with the appropriate dispositions of gratitude, devotion, steadfastness, etc., must come from the heart must involve and commitment. If that is true, then compulsion and external interference would appear to be the antithesis of Islamic faith. The Qur'an says as much:

If it had been Allah's Plan, they would not have taken false gods: but We made thee not one to watch over their doings, nor art thou set over them to dispose of their affairs (6:107; emphasis added).

As for those who divide their religion and break up into sects, thou has no part in them in the least: Their affair is with Allah: he will in the end tell them the truth of all that they did (6:159: emphasis added).

If it had been thy Lord's Will, they would all have believed -- all who were on earth! Will thou then compel mankind, against their will, to believe! (10:99 emphasis added).

Likewise did We make for every Messenger an enemy -- evil ones among men and jinns, inspiring each other with flowery discourses by way of deception. If thy Lord had so planned, they would not have done it: so leave them and their inventions alone (6:112).

The Qur'an leaves no doubt in these passages that it regards idolaters as profoundly in error. However, "their case will go to Allah." They are, it would appear, thereby excused from punishment, compulsion and other civil disabilities in relation to their religious beliefs and practices.

But how then shall we explain the obvious references in the Qur'an to the use of force in regard to idolaters and unbelievers? Some have argued that the message of the Qur'an is preoccupied with what might
be called the political threat of religious unbelief. The Prophet's campaign to solidify and extend his political authority depended on religious as well as political loyalty form the contending factions. His struggle to subdue Medina and Mecca by creating an intricate confederation was wrought out of severe and constant struggles against these religio-political factions, and stability was constantly threatened by one or another of them.

These facts help explain the intensity of some Qur'anic utterances concerning disbelief and apostasy and the reasons for recommending the use of force in some cases against apostates.

They [the disbelievers] but wish that ye should reject Faith, as they do, and thus be on the same footing (as they): But take not friends from their ranks until they flee in the way of Allah (from what is forbidden). But if they turn renegades seize them and slay them wherever ye find them. And (in any case) take no friends or helpers from their ranks. (4:89)

The punishment of those who wage war against Allah and His Apostle, and strive with might and main for mischief through the land is: execution or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: That is their disgrace in this world, and a heavy punishment is theirs in the Hereafter.(5:36)

Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Apostle, nor acknowledge the Religion of Truth, (even if they are) of the People of the Book, until they pay the jizya with willing submission, and feel themselves subdued.(9:29)

These passages are supplemented by certain statements of the Prophet, as reported in the hadith: "He who changes his religion must be killed," and by other reports from the same source that apostates were occasionally punished by losing hands and feet before being killed. Accordingly, apostasy has come to be included in Islamic law as one of the hudud, of capital crimes. The conflict at this point between conventional Islamic interpretation and the prescriptions of the human rights documents concerning a right not to be subject to "coercion which would impair [one's] freedom to have or adopt
a religion or belief of his choice" would appear to be acute.

A major area of disagreement between Islam and the human rights document is therefore freedom of religion. The Qur'an vigorously denounces those who renounce Islam, for "the Devil has seduced them" away from the true faith. The major historical example is the revolt of the tribes after the death of the Prophet in A.D. 632. Abu Bakr, and jurists since then condemned secession from Islam (ridda) as doubly heinous: it is not only a violation of the compact of submission made with Allah, but it is also a breach of contract with his representatives on earth. It is, then, an offense both against God and against the state: it is both apostasy and treason. Far from having the right to become non-Muslim, the Muslim faces the death penalty as a sanction for such a charge.\textsuperscript{15}

A careful review of the context in which such references occur, however, reveals that the only permissible use of force is defensive. That is, if non-Muslims themselves initiate the use of force for purpose of military conquest or religious persecution, or in breach of a solemn treaty, then and only then, it would appear, is forceful reaction justifiable. In other words, if this description is accurate, then the distinction as well as the symmetries between "morality" and "religion" are very much in play here. These passages justify force as retaliation for persecution and the threat of destruction. These are all presumably appeals to basic moral requirements either to keep promises and treaties, or to protect a community's basic welfare and security against aggression. So construed, these injunctions to use force against unbelievers (and apostates) are grounded in emergency conditions, which consist of moral rather than religious provocation. That is, it is not primarily because the unbelievers hold the beliefs they do, but because of their manifest moral violations, that they are liable to punishment and coercion. At least, this account appears plausible, particularly because it provides a way to combine the strong emphasis on religious freedom in the Qur'an with the defense of compulsion against the apostates and others, also in the Qur'an.

Thus the Qur'an's frequent justification for coercion and punishment against apostates and even unbelievers is in retaliation for breaking their agreement of covenant with the forces of the Prophet (and thus with Allah). In short, forceful countermeasures
against an aggressive initiation of force are "morally" justified by conditions that are believed to bind all human beings, regardless of religious identity or affiliation. In this way we see that both the western and Islamic traditions share a common framework within which to think about freedom of conscience and religious liberty and many of the categories are mutually applicable in a most illuminating way. Thus, current human rights formulations, along with the important notions that underlie them are by no means necessarily irrelevant to religion and culture outside the western ideological framework. Granted, similarities between just two traditions does not prove anything to be universally true. But it is a start and we must pursue it.

There are of course more radical perspectives and interpretations of all this as well as more reasoned and sedate perspectives represented by Wahabism of one kind or another on the one hand and Iqbal Ameer Ali, Sir Syed Almed Khan, etc on the other. It is difficult to adjudicate the issues between these two positions and indeed to answer the question: Is there one way of responding to the Qur'an that is more "Islamic" than others? In a sense what is called for is a definition of orthodox Islam -- the achievement of which is extremely difficult, since there does not seem to be any agreed-upon mechanism for the Muslim community to establish it (aside from the relatively loose and in some ways uncertain legal principle of consensus). The most that could be suggested is that orthodox Islam involves the conception that being human or living well involves response to the Qur'an. That is certainly a minimal definition, but it provides a certain framework by which one might begin to deal with the question of how Islamic the modernist approach might be. That is, it is sometimes argued that modernism with its notion of rethinking tradition and its acceptance of liberal patterns of social organization is or was more a function of western influence than Islamic.

For our dialogue on religious liberty to proceed further, we must probe more deeply into the meaning of the Qur'anic text. More than that, we must attend to certain ways of interpreting the Qur'an relative to religious liberty, ways which Muslims consider to be significant or authoritative. But since the Qur'an itself does not deal with the western concept of conscience, especially in terms of the ideas of
guidance and coercion in matters of faith directly or systematically one has to be involved in two lines of inquiry: the first requires an examination of the Qur'anic exegetical material in order to discover what interpreters of the Islamic scriptures have understood regarding the relevant concepts; the second requires an analysis of this material so as to show what constitutes tolerance or freedom of conscience and religion in Islamic revelation.

So theologically we have to ask the question about the apparent paradox of the liberal spirit and over against it the statements in the Qur'an demanding the use of force in achieving one of the central ideals of Islamic revelation, the creation of a just social order. In his brilliant work on the Qur'an, Fazlur Rahman has shown that the aim of Islamic ideology, as it emerges from the Qur'an, is to create a just society, to "command good and forbid evil" (3:104, 110; 9:71). This would constitute a moral obligation "taken to be binding upon and available to all," and one to which "all people may be held accountable." Further, Rahman considers the implementation of Islamic theology as representing the social dimensions of *taqwa*, that is, keen moral perception and motivation. Rahman concludes that "with all its concern for a liberal pluralism for institutions and basic individual freedom, the Qur'an, under certain conditions, admits that the state, when representing society is paramount."  

But at this point he forgets the essential division of Islamic jurisprudence into *ibadat* (God-person relationship) and *mu'amarat* (person-person relationship) which does point to a sort of recognition of religious and interpersonal moral obligations, due to the complexity of the Qur'anic materials the distinction has not been conceptually worked out. This paper, it is hoped, has demonstrated the reasons for the deep tension in Islamic experience between a tolerant, pluralist spirit, on the one hand, and a more regimented, exclusivist stance on the other.

Two general points, in closing are worth stressing. First, in studying Islamic concepts, it is worthwhile to remember that in the linear progression of time characterized by historical process Islam developed as a religious phenomenon only after it was established as a political reality. Early political events and exigencies shaped the subsequent interpretation of Islamic ideology, often without
regard for fairly obvious Qur'anic teaching. In the face of the expansion of Islamic political power and hegemony, the deep Qur'anic impulse toward religious freedom steadily lost ground — in practice and in theory — to the equally strong concern for defending the faith against active persecution and violent assault. The defensive use of the force gradually gave way to more aggressive legal and political policies.

Second, the notions that underlie existing international human rights formulations in regard to freedom of religion and conscience are indeed relevant to cultures outside the west, including, it cannot be doubted, Islamic culture. There are without question, significant differences between the west and Islam in these matters. These are of course the result of a variety of dissimilar cultural and historical experiences. But there are also striking and revealing commonalities. Further the theological and ethical implications of the Qur'anic teachings maintain the universality and objectivity of basic spiritual and moral truths, and hence shares the western understanding that in respect to matters of conscience all human beings are not only equal but equally accountable for any violations. It is, therefore, correct to conclude with confidence that there is much concurrence regarding the underlying commitments of Islam and the west to religious liberty. Both traditions share a common framework within which human beings may think about freedom of conscience and religious liberty.


13. Ibid p. 196 While I agree with his concern, the term second class citizen is problematic for either one is a citizen or one is not. Gradation while defining citizenship is itself a matter of human rights judgement.


4.4. Religion and Human Rights
BAS DE GAAY FORTMAN*

Mutually Exclusive or Supportive?**

Introduction

The 1948 Universal Declaration of Human Rights (UDHR) makes no mention of religion as a possible basis for such fundamental rights. Although there was an attempt by the Dutch delegate Father De Beaufort OP to amend the preamble with a reference to “Man’s divine origin and his eternal destiny,” this was rejected as being contrary to the universal nature of the declaration. For the Saudi Arabian delegate, the fact that the declaration began and ended with the human being, without any reference to God, was sufficient reason to abstain.

Indeed, Father Beaufort’s formula would have been rather out of place. The Universal Declaration stems from a secular religion (religio in the classical sense of ‘binding’), which arose from two centuries of Enlightenment thinking. Its starting point lies in the fundamental freedoms of the individual which have to be protected against the power of the Sovereign (the State). Although the text does refer in the final articles to the community and duties of individuals with respect to the community, the gist of the UDHR remains centred on the individual.

In the period following the adoption of the Declaration the human rights project was interpreted as a juridical challenge to legislate and to create procedural provisions for judgment of individual and state complaints. On the basis of an intrinsically neutral attitude towards the culture, regime and level of prosperity in the country concerned, human rights violations would have to be denounced everywhere.

Right from the start, religion played its part in this project in two ways. First, freedom of worship (or non-worship) is one of the fundamental human freedoms. Secondly, religion, with all that belongs to it, i.e., beliefs and institutions, also falls under the universal norms of the Declaration. People who wish to discriminate against or even kill others for religious reasons, conflict with human rights.
The assassin of the Israeli Prime Minister Rabin said he was acting on "God's orders." Thus, resistance to rights that obtain for everyone, such as the right to life, may be based on religious convictions too. The enactment of apostasy as a serious crime is a clear indication of a general attitude of considering a particular religion as being above human rights (Van Krieken, 1993). Indeed, generalised statements on the superiority of human rights to religion can provoke violent reactions, as UN observer Bilo experienced in Sudan. His remark on the subservience of the Qur'an to human rights provided the Sudanese government with an excellent opportunity to switch from a defensive to an offensive position. Despite attempts to promote the human rights project as some sort of civil religion, its moral foundations remain subject to continuous discussion.

Besides objections to ideas that would seem to put the human being above God, there are also religious endorsements of human rights of an unrestrictive nature. Such positive statements are based upon the view that human rights in essence are God-given. Thus, in 1992 the Latin American bishops endorsed the human rights concept as follows:

The equality of all human beings, created as they are in the image of God, is guaranteed and completed in Christ. From the time of his incarnation, when the Word assumes our nature and especially through his redemption on the cross, He demonstrates the value of every single human being. Therefore Christ, God and man, constitutes also the deepest source and guarantee for the dignity of the human person. Each violation of human rights is contrary to God's plan and sinful. (CELAM, 1993, 164)

The gospel is thus seen as the deepest foundation of all human rights. These rights, however, are grossly and systematically violated from day to day "not only by terrorism, repression and attacks ... but also through the existence of extreme poverty and unjust economic structures which result in extreme inequality. Political intolerance and indifference in regard to the situation of general impoverishment reveal a general contempt for concrete human life on which we cannot remain silent." Hence, as a "pastoral action line" the bishops requested the promotion of human rights in an effective and
courageous manner “based on both the gospel and the social doctrine of the Church, by word, action and cooperation, and in that way to commit ourselves to the defence of the individual and social rights of human beings, peoples, cultures and marginalised sectors of society, together with persons in a state of extreme vulnerability and prisoners.”

Here the dialectics of religion and human rights seem to have been overcome in a complete synthesis. This has been achieved, however, on paper only. In this article I should like to take a closer look at the relationship between religion and human rights. Could a possible connection between religion and human rights contribute towards a revitalisation of religion? Furthermore, what contribution could religion make to the global project for human rights?

Does Religion Need Human Rights?

Religion provides people with a transcendental basis for morally justified behaviour. From a reality beyond direct human experience moral standards are set which cannot be altered. Does this mean that respect for human rights is inherent in all religion? Practice shows it does not. First, the religious message itself may contain inhuman elements. This applies particularly to situations in which, apart from the religious core of the message its cultural setting, too, is authorised and absolutised. Religion may then sanctify a whole people or caste and hence will come into conflict with the principle of human equality. Generally, such faith is based on tradition and interpretation rather than the holy scriptures themselves.

Besides fossilisation of a certain cultural context from the past, contemporary religion, too, may be subject to socio-political manipulation. Thus, after the Rwandan genocide Justin Hakizimana, an elder in the Presbyterian Church, observed that the church and the government had become too close:

The church went hand in hand with the politics of Habyarimana. We did not condemn what was going on because we were corrupted. None of our churches, especially the Catholics, has condemned the massacres. That is why all the
church leaders have fled, because they believe they may be in trouble with their own people. (McCullum, 1995, 73).

The corruption of religious institutions is a gradual process which may strongly embarrass people retrospectively. This is strikingly expressed in the reaction of Reverend Mugamera, who lost his whole family (his wife and six children) in the Rwandan bloodshed:

Why did the message of the gospel fail to reach the people who were baptised? What did we lose? We lost our lives. We lost our credibility. We are ashamed. We are weak. But, most of all, we lost our prophetic mission. We could not go to the President and tell him the truth because we became sycophants to the authorities.

We have had killings here since 1959. No one condemned them. During the First Republic, they killed slowly, slowly, but no one from the churches spoke out. No one spoke on behalf of those killed. During the Second Republic there were more killings and more people were tortured and raped and disappeared; and we did not speak out because we were comfortable.

Now there has to be a new start, a new way. We must accept that Jesus' mission to us to preach the gospel means that we must be ready to protect the sheep, the flock and even if it means we must risk our lives for our sisters and brothers. The Bible does not know Hutu and Tutsi, neither should we. (McCullum, 1995, 75).

Who would deny a crucial role to human rights in that new start for religion in Rwanda? Indeed, religion per se appeared to be insufficiently equipped to deal with the politically inspired processes of exclusion (us, not them!), thinking of others as enemies, demonisation and final extermination.

The abuse of power is as old as human history. Therefore power should always be bound, i.e., tied to certain norms. Where such norms express the fundamental freedoms and entitlements of each and every human being, we speak of 'human rights'. These are prima facie rights that are supposed to trump all other types of claims, both private
and public. This applies to religious power too. Religion is subject to both ideologisation and institutionalisation. Human rights, on the contrary, put the human being above ideology and the dignity of the individual person above the organisation. As a consequence, the Pope’s question to Gorbachev, as put in a well-known joke, “Mr. Gorbachev, this glasnost of yours is, as I understand it (hopefully correctly), is an idea for outside the church only?” has to be answered in the negative. Religion needs human rights -- including the fundamental freedom to criticise the use of power.

The new High Commissioner of the United Nations for Human Rights attached an immediate priority to Rwanda. Training programmes for human rights monitors started everywhere in that country. Would this achieve better protection against ethnicism, discrimination and genocide than the teaching of the churches could apparently offer? A sceptical undertone is detectable already in the question itself. The global human rights project possesses its own institutions: inter-governmental and non-governmental centres, complaints procedures with commissions, committees and courts of law, training programmes and academic teaching courses. Human rights are already seen as a “global religion” (Korzec, 1993) and that is meant in an institutional sense as well. The real challenge is, however, to root the idea in everyone’s heart that the fundamental freedoms and entitlements to the dignified existence of other human beings is everyone’s concern. As the American Judge Learned Hand once put it:

I wonder whether we do not rest our hopes too much upon the constitution, upon laws and upon Courts. These are false hopes. Liberty lies in the hearts of men and women. When it dies there, no Constitution, no laws, no Courts can do much to help it. While it lives there, it needs no Constitution, no law, no Courts to save it. (Quoted by Bhagwati, 1989, 10).

A project that aims at the hearts of people cannot bypass religion. Hence our second question: do human rights need religion?

Do Human Rights Need Religion?

Human rights have been authoritatively defined in the Universal
Declaration of Human Rights, based on a morally forceful rhetoric. The articles specifying the various rights all begin with the word everyone. Everyone counts. However the declaration may have been drafted — "written in two days in a hotel room in San Francisco by Eleanor Roosevelt and two assistants" (Korzec, 1993) — it is a simple fact that these words have a universal appeal. While this may not be the case in regard to all rulers, it certainly does apply to the ruled. Just like holy scriptures such as the Bible, the Qur'an and the Bhagavad Gita, the UDHR appeals to a much wider circle of people than the cultural context in which it originated. Anyone who has ever carried a copy of the Universal Declaration in her pocket in countries with tyrannical regimes knows that, in a cultural context entirely different from the West, there can be an overwhelming demand for this document. Although the history of civil and political rights is tuned in particular to the protection of citizens against sovereigns who want to rob them of their possessions, in a Third World context the declaration functions as a basis for the emancipation of the have-nots.

The Universal Declaration is generally considered to be positive law (international customary law). It was followed by numerous international covenants, conventions, protocols and declarations of the General Assembly of the United Nations. Although in a legal sense their universality is now almost undisputed and a great deal of political consensus on the human rights idea exists as well, there are still serious difficulties in implementing human rights. Obviously, the inclusion of these rights in legal texts is in itself insufficient. It is often precisely in states with the most serious human rights violations that we find the most beautiful constitutional clauses on fundamental freedoms and entitlements. Accessible procedures of a supra-national nature have been effectively created only in Europe. But in order to bring a case before the European Court of Justice all local remedies have to be exhausted. This may take a long time and it may also require a considerable investment in lawyers' fees. Contentious action, however important as a remedy for human rights violations, has to be accompanied by socio-cultural and political action aiming at the inculcation of human rights. To have a right does not automatically imply that all reasonable claims based on it will be realised. Rights in general and human rights in particular
tend to be more action-oriented.

The real question is not the universality of the human rights idea itself but a universal reception of that idea. No single culture in the sense of a way of life transferred from one generation to the next is fully receptive to the notion of universal human dignity and equality. It is an illusion to think that this idea might be simply disseminated by means of readable material. Indeed, the human rights project cannot escape confronting deeper questions such as "Who is the human being?" and "What is freedom?" (Mufazzar, 1994).

In some Western countries, liberal policies on pornography are legally regarded as a consequence of the basic freedom of expression (freedom of the press). Such a view illustrates well the contingency of human rights as a secular religion connected to a universalist legal system with clearly defined procedures and institutions. There is no way to escape the necessity of weighing one person's freedom to express against another person's freedom to regard certain expressions as dehumanising, repugnant and hence intolerable. There are, indeed, certain reasons can be adduced for the decriminalisation of the production, distribution and consumption of pornography, but human rights is definitely not one of them. It is precisely such ways of reasoning that are used elsewhere to construe human rights as not universal at all but rather as a caricature of Western thinking.

A glance through the jurisprudence of the European Court of Human Rights reveals a surprisingly large number of cases in which criminal suspects and convicted persons invoke certain articles in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome Treaty of 1950) in regard to criminal procedure. This is not unimportant: the protection of everyone against the abuse of power, including criminals, constitutes the core of human rights. (Often after liberation from tyranny, the formerly oppressed have to get used to the idea that torturing their former oppressors would mean violating the same human rights on which they based their struggle.) Yet it is clearly not the jurisprudence of the European Court in Strasbourg that is going to provide the human rights project with the necessary cultural roots. The main challenge is the implementation of the right to life and to a dignified human existence in daily life. The Human Rights project bases this upon the notion
of universal responsibility. In our global village that responsibility is being taken up so poorly that the project itself has already lost much credibility.

The acceptance of responsibility requires more than just a legal basis, no matter how universal that foundation may be. Indeed, the ratification of treaties, the establishment of courts of human rights and the development of a human rights jurisprudence is not enough. The moral grounds for a conviction upon which responsible behaviour rests have to be constantly nurtured on the basis of a world view. Insofar as the notion of human rights finds its origin in individualism, it is responsible individualism that obtains. This is evidently not the same as possessive individualism. Yet the former may easily degenerate into the latter.

It is exactly those cultures in which possessive individualism has strong roots -- and that includes the global village as such -- that experience great difficulty with economic and social rights, already at the stage of standard-setting. While individualism may offer a sufficient moral foundation for respecting everyone’s fundamental freedoms, it is inadequate as a basis for accepting other people’s needs as grounds for justified claims. Economic, social and cultural rights presuppose not just free individuals but a community that accepts responsibility for the fulfilment of everybody’s basic needs.

The liberal-democratic idea [according to Fukuyama, the end of the history of ideas (Fukuyama, 1992)] fails here. “The strong”, as the Greek historian Thucydides put it, “do what is in their power while the weak accept their fate.” In the free market economy the weak find no structural protection against unemployment, disease, disability, and old age. For good reasons, dependence on the charity of the strong was considered unsatisfactory. In many industrialised countries measures such as workers’ protection, compulsory education, professional training, and health protection constituted a structural attempt towards the realisation of economic and social rights. The social struggle that led to such achievements was nurtured by religion in the sense of a set of ideas transcending individual existence. (In this sense socialism, too, may be regarded as a religion.)

Friedrich Hayek, the godfather of neo-liberalism, once wrote a
book under the title *The Mirage of Social Justice*. It is only a negative notion of freedom, he feels (keep your hands off other people's property, allow everyone her liberty) that can be more than a mirage. Hence, for a vision of social justice we have to look elsewhere.

John Rawls is well known as a philosopher who has attempted to construct political principles of justice applicable to any society that tackles the problem of inequalities among people as well (Rawls 1972). His "non-normative" theory is based on a hypothetical social contract between citizens who, behind a "veil of ignorance" regarding their relative success or failure in acquiring entitlement positions, decide what is socially "fair." This is not the place to review that theory critically, but what is noteworthy is that Rawls's rational-liberal theory of justice failed him when he tried to construct a political 'law of peoples' that would legitimate human rights on the basis of reason only (see Shute, 1995). For one thing, he feels compelled to abandon the three egalitarian features of his theory of justice: the fair value of political liberties, fair equality of opportunity and the difference principle. Thus, his human rights concept deals only with civil rights and excludes political and socio-economic rights. His argument then implies that even representatives of hierarchical societies, committed in a rather absolute sense to certain ideologies and religions, placed behind a veil of ignorance (the basic assumption in hypothetical contract theory) would accept the same "law of peoples," including basic civil rights, as democratic societies. But why would they? As Stanley Hoffmann puts it:

Are societies whose governments are dogmatically committed to ideology or religion likely to respect basic human rights at all? Since there are no free elections, how would we know that their "system of law" meets "the essentials of legitimacy in the eyes of [their] own people"? Whatever the answer, what is clear is that Rawls's law of peoples has been shaped so as to appeal to a purely hypothetical group of peoples.

The fallacy here is in the parallel Rawls seems to draw between an "overlapping consensus" of comprehensive doctrines that endorse a single conception of justice within a democratic political culture ..., and an "overlapping consensus" of societies based on very different political conceptions of justice. Such
different societies could only endorse a very weak "law of peoples." (Hoffmann, 1995, 54).

Hence, for a stronger "law of peoples" we have to look beyond "non-ideal theory" (Rawls). Indeed, we cannot escape the search for the conceptual roots of human rights within the various religions themselves. Research done by Wronka would point to a preliminary conclusion that the idea of one person’s responsibility for satisfaction of another person’s needs is common to all world religions (Wronka, 1992). One example is the Old Testament term d_q_h, which implies the acknowledgement of the claims of the poor, purely on basis of their need. Thus, the connection with religion may provide the necessary cultural basis for the human rights struggle. Apart from all sorts of political and economic constraints to the implementation of human rights, there also exists a major obstacle in the cultural resistance to norms and values implying that people are responsible for the well-being of their fellow human beings. A culture of contentment predominates in the post-Cold War era, paralysing the global 'haves'. Christopher Lasch speaks of a rebellion of the elites and the betrayal of democracy (Lasch, 1994). With so many people excluded from a decent existence, the human rights project suffers from structural day-to-day violation.

Thus, the real issue is of a moral-cultural nature: how do people see each other (Kuijtenbrouwer, 1993, 57)? One way of seeing people in distant countries (or in any other socially or spatially constructed category) is as a threat. Thus, it is the problems of ecological destruction and migration in particular that might convince the world’s rich of the need for a global care system for the benefit of the poor (De Swaan, 1990). A second way of viewing the poor is as victims to whose welfare massive relief operations might be directed within the framework of modern charity. It is doubtful, however, whether either or both these ways of seeing other people will provide sufficient motivation for global collective action for social justice. But there is a third way of viewing them: as fellow human beings, i.e. as people with the same human rights. Thus, in a moral-political sense the principal question is not "What problems will these people cause?" or "What can we do for these poor devils?" but "How can their rights be realised?".
The way in which such questions are put is related to socio-political concepts of freedom. Does freedom mean easy access to video and audio equipment, as Fukuyama stated? Does freedom mean earning a high income so that one can have a wide choice of goods while opting for many things at the same time? Does freedom imply not making choices that exclude other options – indeed, never committing oneself? Or does freedom mean choosing one particular way to go and staying loyal to that choice in the sense of a real commitment. For the latter a conviction is required that directs a person’s attention to more than the mere satisfaction of his own wants.

Concluding Observations

Both questions we asked ourselves in this paper received a positive answer. In the processes of ideologisation and institutionalisation religion continually loses credibility. To ensure that religiously sanctified ends cannot justify any means, human rights have to be respected in church and mosque too. At the same time, the global project for universal responsibility of people for one another’s freedom and welfare cannot do without constant moral injection. It is primarily in their transcendental orientation that human beings learn to rise above their immediate patterns of needs. Similarly, it is in down-to-earth challenges to satisfy human needs that religion attains concrete relevance.

In its relation to society religion has a dual character. It is precisely because religion transcends the daily concerns of the individual that it has to meet higher demands of credibility. Doubtless, a lack of social credibility is one of the factors which makes a revitalisation of religion imperative. Here, more is at stake than Auschwitz and Rwanda, notwithstanding the horrific nature of such human catastrophes. Christianity could not prevent slavery and colonialism; in an institutional sense it has even been part of many forms of human exploitation. Indeed, the rights of human beings to food, clothing, shelter, education, health, employment and a decent standard of living are still being violated from day to day. In many respects the systematic contravention of economic and social rights is related to global monetary and financial structures, “edifices of sin” as Pope John Paul II called them in his encyclical Solicitude rei socialis. A
quick glance at the map of world religions today reveals that it is Christians in particular who benefit from such structures. As long as the global maintenance of basic human rights is not regarded as a real concern in the ‘Christian’ West, the Christian religion will continue to suffer from a fundamental lack of credibility.

Does this imply that the human rights project would fare better without any link with religion? But what would be the alternative? The situation in Eastern Europe, for example, does not look very promising after the demise of socialist religion. “All that once belonged to the community is now regarded as an object of private attempts to acquire property,” an Albanian observed. He added: “This country possesses a great treasure. But without moral principle and without any collective conscience” (Tuquoi, 1995).

“Yes, we need God,” Roger Garaudy concludes his Avons-nous besoin de Dieu?, “God, whose presence in us manifests itself through the continual possibility of not surrendering blindly and passively to the spirits of this time but of taking active responsibility for the continuation of creation and life.” Responsibility is the keyword. Religion without any sense of responsibility is doomed. It is the basic principle of universal responsibility upon which the ‘secular’ human rights project is based that might push religion towards a process of revitalisation. In Latin America such an injection of religion with human rights, as evident in the pastoral letter of the bishops quoted above, had its origin in liberation theology. In Africa a similar development is noticeable in the pastoral letters of the Catholic bishops of, for example, Malawi (1992) and Kenya (1993 and 1995). And in the West? Surely, pastoral letters from bishops and synods might speak out more clearly, particularly in regard to individualist materialism, the major heresy of our time. But an injection of religion with the notion of universal responsibility for the dignity of life will have to be achieved at the grass roots level. There are already some signs that such a development is taking roots. Either religion loses its meaning in the lives of people or it manifests its relevance in a world full of violation of the most basic human rights.

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End Notes

1. "La igualdad entre los seres humanos en su dignidad, por ser creados a imagen y semejanza de Dios, se afianza y perfecciona en Cristo. Desde la Encarnación, al asumir el Verbo nuestra naturaleza y sobre todo su acción redentora en la cruz, muestra el valor de cada persona. Por lo mismo Cristo, Dios y hombre, es la fuente más profunda que garantiza la dignidad de la persona y de sus derechos. Toda la violación de los derechos humanos contradice el Plan de Dios y es pecado."

2. Cliteur uses the term "vulgar relativism" to describe criticism of the concept of universality directed at the ‘Western’ origin of the Declaration (Cliteur, 1994, 148).

3. Possessive Individualism is the driving force of what Tawney (1920/1948) called “the acquisitive society”: “Such societies may be called Acquisitive Societies because their whole tendency and interest and preoccupation is to promote the acquisition of wealth. The appeal of this conception must be powerful, for it has laid the whole modern world under its spell. ... It is an invitation to men to use the power with which they have been endowed by nature or by society, by skill or energy or relentless egotism or mere good fortune, without inquiring whether there is any principle by which their exercise should be limited. ... It assures men that there are no ends other than their ends, no law other than their desires, no limit than that which they think advisable.”

4. This “difference principle” stipulates that inequalities can be tolerated only if “they are to be to the greatest benefit of the least advantaged members of society.”

5. "Oui, nous avons besoin de Dieu ... dont la présence en nous se manifeste par la possibilité permanente de ne pas s’abandonner, aveugle et passif, aux dérives de ce courant, et de prendre la responsabilité de participer au pilotage de la création continuée de la vie.” (Garaudy, 1993, 201).
LITERATURE


4.5. Theological Reflections on Yin Yang and Human Rights
Jack Clancey

Preamble

My roots are in the Catholic religion. As a young man I was brought up in a faith that was very conservative and afraid of the dynamic changes that had been taking place in the world for the last few centuries. Church leaders had withdrawn in fear from the new challenges that had been raised by Protestant churches, by the radical new ways of looking at the world that had been raised by the many new developments in science and the new demands by ordinary people for rapid social change that began with the French Revolution and continued with the Mexican and Russian revolutions, as well as many anti-colonial struggles.

The world and its new array of problems was considered a place to be avoided; security was to be found in dependable old dogmas that had been developed centuries before.

The other influence, which I only became aware of later was that the world was in the last stage of the colonial period in which the European culture, including its religions, was considered by many Catholics to be the most superior. The tendency was towards domination of the weak countries by strong countries, domination of smaller cultures by larger cultures, domination of women by men, domination of nature by human beings, etc.

Another influence in the world was that of Marxist-Leninism, which stated in clear terms that any social change could only come
about by conflict, a conflict rooted in class conflict.

When I was in my 20's I became aware of radical changes taking place. The anti-colonial movement, which first bore fruit in South Asia was sweeping across the world. Within the Catholic tradition, Vatican Council II, initiated by Pope John XXIII, turned the Catholic church towards dialogue with the world and other religions and encouraged believers to become involved in helping to create more just societies and a better world.

I present this short introduction to show how the Catholic church as an institution went through a radical change: from inward looking to dialogue with the world; from a primary concern with religious issues to a growing interest with the wider concerns of society. At various times all religious institutions move from placing too much emphasis on an inward looking approach towards developing a more balanced approach which places equal emphasis on concern for and dialogue with contemporary social problems.

This paper attempts to integrate reflections on a number of prima facie unrelated philosophical or theological approaches: Yin-Yang philosophy, Natural Law (especially the Juristicprudential tension between natural law and positivism), and the relationship between religion and human rights. I will then try to weave these various strands together with a creative use of the Yin-Yang approach. This approach emphasizes the need for attaining ever new harmonies that result from ongoing dialogue between and among various opposing views, with an emphasis on the need for religions to support the further development of human rights by initiating dialogue among religions and between religions and political institutions.

I think a world full of conflicts and ever rapid changes and on the threshold of a new era can benefit from the creative use of the insights of a range of Yin-Yang philosophers. Yin-Yang can contribute towards the development of a new approach to social change, including the place that human rights has to play in that change.

Yin Yang

Yin-Yang is not a religion, but a philosophy that has its roots in
early Chinese world views. These world views were developed into a philosophy over the centuries with significant new concepts being added by Taoist philosophers and later, from the 11th century onwards, by Neo-Confucianist Philosophers.

The following quote gives a succinct description of the relationship between the forces of Yin and Yang and how their inter-action leads to and creates all that exists.

According to the yin-yang theory, the universe came to be as a result of the interactions between the two opposing universal forces of yin and yang. The existence of the universe is seen to reside in the tensions resulting from the universal force of non-being, or yin, and the universal force of being, or yang. Whatever is experienced simultaneously has being and lacks being; it comes into being and passes out of being. But this is just to say that it is being pulled between the forces of yin and yang. The changing world that is experienced - that is characterized as nature - can exist only when there is both being and non-being, for without being there is no coming-into-being, and without non-being there is no passing-out-of-being. Hence yin, the negative, and yang, the positive, are required as a source of nature. (Oriental Philosophies, John M. Koller, p.256).

This basic world view was taken one step further by Lao Tzu who posited the existence of the Tao as the source of both Yin and Yang or being and non-being.

Prior to Lao Tzu the principles of yin and yang were known. They were regarded as opposites, and all the things in the world were considered to be the production of the interaction between yin and yang. But yin and yang, opposed as light and dark, cold and warm, being and non-being, etc., being opposite, could not of their own nature either produce themselves or interact with each other. A third something providing a basis and a context for the interaction of yin and yang was required. The great contribution of Lao Tzu was his recognition of Tao as the source of being and non-being - of yin and yang - and the function of Tao as the basis for the interaction of yin and yang.
As the absolutely first principle of existence, Tao is completely without characteristics. It is itself uncharacterized, being the very source of and condition of all characteristics. In this sense it is non-being. But it is not simply nothing, for it is the source of everything. It is prior to all the existing things, giving them life and function, constituting the oneness underlying all the diversity and multiplicity of the world. (Koller, pp. 287-288).

Lao Tzu himself puts it this way:

"The Tao that can be told of is not the eternal Tao;
the name that can be named is not the eternal name.
The Nameless is the origin of Heaven and Earth;
the named is the mother of all things."

The importance of Tao lies in the recognition that there is something which is prior and anterior to the various particular things that exist in the world, something which gives unity to all the existing things and which determines the very existence and function of everything. What that something is cannot, of course, be said, for whatever can be talked about is limited and determined, for it is the very condition of limits and determinations. ...

The functioning of the Tao is eternal and recurrent, producing all things and directing their activities. ... The lesson the Taoists drew from nature is that when a thing reaches one extreme, it reverses and returns to the other extreme. (Koller p.290).

Chou Tun-i helped to lay the foundations for Neo-Confucianism in the 11th century.

Describing the production of the yin and yang from the Great Ultimate, Chou Tun-i says, 'The Great Ultimate through movement generates yang. When its activity reaches its limit, it becomes tranquil. Through tranquility the Great Ultimate generates yin.' His explanation of how the yin and the yang are produced from the Great Ultimate leans heavily on the Taoist notion of 'reversal as the movement of Tao.' According to the Taoists, reality is the manifestation of the reversing of
Tao, as it goes from one extreme back to the other. Thus he goes on to say, ‘When tranquility reaches its limit, activity begins. So movement and tranquility alternate and become the root of each other, giving rise to the distinction of yin and yang, and the two modes are thus established.’ (Koller p. 308).

So the new addition by the Neo-Confucianists is the existence of a Great Ultimate that underlies and permeates all that exists.

The key concept in the Reason school of Neo-Confucianism is that of the Great Ultimate (T’ai-chi). This Great Ultimate is the ultimate reality and underlies all existence. It is the reason or principle inherent in all activity and existence. Through activity it generates yang. Upon reaching its limit, activity becomes tranquil, and through tranquility the Great Ultimate generates yin. When tranquility reaches its limit, activity begins, the one producing the other as its opposite. This reversal of opposites is a notion of Taoism, where it is held that reversal is the way of the Great Way, the Tao of the universe.

The Great Ultimate, which produces all things and determines their functions, is a combination of stuff (ch’i) and principle (li). The nature of things is the result of what they are and how they function. The stuff of which they are made is their matter, or ch’i and their function is their principle, or li. When ch’i and li are in harmony, things are in order and there is a grand harmony. Since the Great Ultimate represents a harmony of ch’i and li, order is the law of the universe. (Koller, pp. 259-260).

Before going on, let us look at the symbol that represents Yin-Yang. The circle is divided not by a straight line, but by a curved line, representing that there is not a fixed, rigid division between two opposites such as light and dark, past and present, male and female, etc. In addition, there is a small part of each opposite in the other. A Yin-Yang approach would for example ask: “Is there someone who is completely male without having any female characteristics?” or “Can there be a moment in any present situation without some part of the past somehow affecting it?”
remaining the same and how things remain the same while they change.) Think of the examples of the growth and maturity of individuals and the social/historical changes that take place in society.

(Change and Continuity; same yet different)

Is Basil the same person now that he was 30 years ago?
Yes and no.

Is Sri Lanka the same country that it was 30 years ago?
Yes and no.

Is Sri Lankan culture the same as it was 30 years ago?
Yes and No.

China? India? the world?

A third characteristic is that of the underlying principle which is the creative source of all that exists. The underlying principle also supports and nourishes the constantly changing beings in the universe as well as being the basic unifying factor or element that maintains the unity of all that exists.

A fourth characteristic is that of the harmony between the two opposites that results in a balance. This balance or harmony is not fixed but is constantly changing; there is a continuous creative tension between the two sides. According to Yin-Yang thinking, any tendency towards domination by one force will eventually lead to an increase by the opposite side, so as to attain a new balance between the two sides.

Natural Law

Jurisprudence - the Positive Law vs Natural Law debate.

The natural law tradition, perhaps best articulated in its early stages by the Greeks, recognized that there is something beyond agreed social norms, something deeper than any given contemporary values and something more important than the specific laws decreed by a particular government that should govern the way people relate
with one another. The basic approach of natural law philosophers was that by using their intellects all persons could come to know various rules and aspects of the natural law.

The natural law concept was further developed by the Stoics. According to Horowitz, "In Stoic thought, man is intimately linked to God through the substance of his soul that he shares with God. Containing within himself a part of God, man contains within himself the law of nature, for God is the law of nature. ... At birth man has the faculty to reason, the ability to form common notions, the seeds of knowledge and the spark of divinity. These four possessions are really one - the special gift of God to man. This gift gives man not the full-blown knowledge of natural law, but the potentiality to attain this knowledge. The Stoic synthesis of the doctrine of natural law carries the conviction that natural law is knowable by men who develop their God-given faculties." (Horowitz, "The Stoic Synthesis of Natural Law" in the History of Ideas)

Another writer stressed that the Stoics "introduced a principle that proved to be the turning point in the history of ethical, political, and religious thought. To the Platonic and Aristotelian ideal of justice there was added an entirely new conception: the conception of the fundamental equality of man." (Cassirer, The Myths of the State).

Natural law was re-discovered by philosophers and theologians in Medieval Europe and applied creatively to some of the problems and questions of their day, with Thomas Aquinas among the most articulate advocates of this period.

However, the most significant contemporary breakthrough in the natural law tradition took place in Europe, during and at the end of World War II, as a response to the positive laws enacted in Nazi Germany. The International Covenant on Human Rights which is a direct product of this most recent development of natural law is based on the view that there exist basic rights rooted in natural law. Natural law and basic rights transcend the laws and power of any given state and government. Human beings do not have rights because they are given by and recognized by a government; all persons have rights because these rights are rooted in a natural law. Since these rights are rooted in natural law, no government can
deprive any person or any group of human beings of their basic rights.

Relationship between these historical "schools" of natural law

Do the basic principles of natural law remain the same over the centuries or do they somehow, even though they are basic, evolve as the result of a dialogical process that takes place in any given historical period between the adherents of natural law and the concerns and problems of their society?

I would suggest that a creative interpretation and application of the Yin-Yang philosophical tradition could perhaps suggest how these principles and values remain the same, while they continue to evolve.

The basic approach of natural law is that human beings can use their reason to discover the laws of nature, to understand the implications they have for their lives, and to come to a better appreciation of how human beings can organize their society so as to be in harmony with the basic principles of natural law.

The Yin-Yang approach is quite similar. In the Yin-Yang world view, there is an underlying Great Ultimate or Tao which is the source of life and nature, as well as being a unifying force of all that exists; this Great Ultimate is in nature and can be discovered by those who seek it.

Some would argue that according to the Yin-Yang philosophy there is never any real progress or development; there is, they would say, only a return to the previous balance that existed before one side exerted too much dominance over the other. I suggest that the Yin-Yang approach can be applied in a way that would enable people to refer to and build on previous historical experiences that attained a certain balance. People could address new and unique historical problems by adding their own knowledge and wisdom in a creative way so as to correct new imbalances and attain a new historical balance. This approach would not seek to return to the balance achieved in some particular "golden age," but would deal with new experiences, circumstances and problems in a way that would aim
for the attainment of a new balance based on the new material and scientific conditions present in society, as well as the new level of human awareness reflected in current political, social and economic consciousness.

By creatively trying to understand and improve oneself and the world, individuals and groups of persons can not only learn to live their lives according to the natural law and the Great Ultimate (and religious values and principles), but can also add to their knowledge of what these are. The Greeks and Stoics and early Taoists were able to articulate certain formulations which clearly articulated their understanding of these laws and principle and values, not unlike the work their contemporaries did in many fields of science. For example, astronomy reached a very high level of understanding that could be attained by use of the naked eye, nightly observations, and mathematical formulations. The basic astronomical principles they developed were the basis of study and further research until the breakthroughs that were attained first by the use of increasingly larger telescopes and in more recent years by the Hubble Space Telescope.

Using this creative Yin-Yang approach, each new development in natural law is rooted in and flows from the insights articulated by earlier natural law exponents. These new insights are then added to and become part of the "new balance" of basic principles that later generations can draw on and creatively apply to the new problems of their own society.

Each new step taken by a later generation, in their response to the questions and problems of their day, leads to a deeper understanding of and the further evolution of these basic principles, values and laws; in turn each step in the evolutionary process leads to the attainment of a new harmony. Future generations will then have a richer, better articulated presentation of the natural law to apply to their own new questions, problems, conflicts and social imbalances.

In short, the goal of this Yin-Yang "adapted approach" is not to keep these natural law principles, values, laws, etc. in a museum or a "safe place." The goal is to recognize that they are relevant to and can be applied to issues facing people if they are seen not as fixed, absolute and never-changing answers to any problem, but rather are
considered as principles, values, laws, etc. that can be adapted for the purpose creative dialogue with contemporary problems.

Religion and Human Rights

For years statements issued by various meetings of Catholic Bishops always included a reference such as “Asia is the birth place and the cradle of all the world’s great religions.”

A former student upon hearing this statement remarked, “So what?” I must have looked a bit perplexed, so he added, “Religions did great things in the past when they responded to people and the needs of society. But what are they doing today? They confine themselves to rituals and the concerns of the temples, churches and monasteries.”

Later, as I thought about what the student said I recalled the words of the prophet Amos, who quoted God as saying:

“I hate and despise your feasts,
I take no pleasure in your solemn festivals.
When you offer me holocausts,
I reject your oblations,
and refuse to look at your sacrifices of fatted cattle.
Let me have no more of your strumming on harps.
But let justice flow like water,
and integrity like an unfailing stream.”

There is thus a dilemma, for if the values of religion are extremely important to our lives, why do so many people consider them not that meaningful in relation to finding ways to deal with the problems of today’s world?

Love, justice, peace, honesty, truth, dignity, fairness, etc. are values which flow from and are at the core of all religions. These values would appear to be not only invaluable for human life, but also necessary for the proper functioning of human and social relationships. Why then are religions, which embody in their traditions such important values, not able to respond in meaningful ways to many of the concerns and questions of people today?
I think that many of the religions are not unlike valuable bronze urns or pots that have been unearthed by archeologists. These bronze wares are deemed too valuable to be used in ordinary homes or restaurants, so they are placed in museums where they can be studied and admired by experts and interested people. The same is true for gold, silver and bronze coins that are discovered at some ancient site or a hole in some farmer’s field. The coins will not buy you a bus ticket, but they will be eagerly sought after by coin collectors and museums who will put them away in a safe place to protect them or a well guarded museum cabinet for people to admire.

“So what? So what?”

Religions are all too often satisfied with preserving the customs and practices and prayers and rituals of the past, without asking about their relevance to contemporary problems. All too often religions have answers without first knowing what the question or problem is. All too often the starting point of religious representatives is their own concerns rather than starting by first listening to and entering into dialogue with people and societies facing new forms of old problems as well as new problems.

Religions have basic principles and values that they can and do offer to believers. A sociologist might note that there are many values and principles shared by all religions. Do religions have basic principles and values that don’t change? Have these basic principles and values been influenced by or have they had any influence on the many changes that have taken place in the world over several millennia? What is the relationship between these basic principles and the constant changes that are taking place in society and the new questions that are being asked?

What are Human Rights?

Are Basic Human Rights also Basic Religious Rights?

One day during a visit to a Natural History Museum, a family with three young children made a whirl-wind tour of the whole range of exhibits that were featured that month. For hours the parents had
replied to questions such as:

"Were dinosaurs really that big?"

"Why are there no more dinosaurs today?"

"Did dinosaurs eat people?"

Late in the afternoon the family found themselves in a wing of the museum that contained exhibits related to the whole spectrum of human culture. One particular corridor contained life-sized scenes depicting the way peoples in different parts of the world conduct funeral services. In addition to burials, there were displays of an Indian funeral pyre, Egyptian mummies being laid in tombs, and an American Indian warrior being placed on a platform out in an open field high in the mountains.

The elder daughter had been silently listening to her parents reading the various explanations that accompanied each scene and then asked, "Daddy, why do people burn dead bodies, put them on platforms and do all those other things instead of burying them?"

The father explained that throughout history, people in different cultures had developed different ways of dealing with the dead bodies of their relatives and friends, but that for each culture, no matter how it was celebrated, the funeral ceremony was a way for people to show their respect for a dead body that had recently been a living person; the funeral ceremony was a way for relatives and friends to say one last good-bye.

It is a universal practice to say good-bye to a deceased person, even though the forms, prayers, ceremonies, etc. vary greatly from culture to culture. Since this is such a universal practice, stretching throughout history and across cultures, can we say that it is rooted in some universal natural law?

Religions throughout the world are intimately involved in funeral services and celebrations. The right to a decent funeral that flows from a natural law could be categorized as not only a right that is natural to all human beings but can also be listed as a basic human right as well as a basic religious right.

In Sri Lanka, less than ten years ago, many families were deprived
of this basic right to say good-bye. Government troops and officials carried out an official policy of making people "disappear." The result was that relatives were never even sure if their brothers, sisters, fathers, mothers, cousins, uncles, aunts, sons and daughters were dead, as most of the "disappeared" were. Relatives never had a chance to show their last respects and to say a formal, dignified good-bye.

What was the response of religious leaders when this basic human right, also a religious right, was violated? People asked why religious leaders kept silent when a whole group of school children "disappeared?"

But these "disappearances" did not only occur in Sri Lanka. Similar scenes were made part of human history by power hungry, insensitive politicians throughout the world. Fortunately we know of some religious persons who spoke up and condemned these disappearances, but all too often religious leaders remained silent or even perhaps added their support for government policies that allowed the disappearances to take place.

Thousands of years before Sri Lankans had to face this horrendous experience of not being able to hold a funeral for loved ones who were considered enemies of the state, a Greek dramatist presented the a similar problem to his audiences. The dilemma faced by the main character was that she had to choose between supporting the decree proclaimed by a new ruler or upholding some more basic - natural - law.

In the drama "Antigone" written by Sophocles more than 2,000 years ago, a dead body lay outside the city walls. Creon, the new king, had issued an edict that no one was to bury the body; anyone who violated the edict would be stoned to death. Antigone, a young woman was in a dilemma as she stared at the body - for the corpse was the body of her brother. Antigone was well aware of the universal practice and custom, rooted in some natural law that she considered higher than the edict issued by the king, which demanded that a dead person be given a proper burial rather than having his body devoured by dogs. She was forced to choose between providing a decent burial for her brother and obeying the laws of her uncle, the
new king. She opted to perform the burial rites for her brother. Brought before the king Antigone explained:

"... I did not rate
Your proclamations for a thing so great
As by their human strength to have overtrod
The unwritten and undying laws of God:
Not of today nor yesterday, the same
Throughout all time they live; and whence they came
None knoweth. How should I through any fear
O proud men dare to break them and then bear
God's judgment? ..."

As she is lead away to death, Antigone's last words are:

"What wrongs I suffer - and from men like these -
Because I am faithful to the laws of Heaven."

Antigone's brother, as with many of the "disappeared" in our world today, were denied a decent burial. I choose to start with this example of people being denied the basic right that all of us have to a proper funeral, because it something intimately connected with religion. Though I have not done any serious research into anthropological studies on this point, I would venture to state that, except for those societies where religions were persecuted or forced to go underground for periods of time, throughout human history, funerals have always been celebrated using religious ceremonies, prayers and symbols. A funeral is a religious experience, a religious function, a religious right.

Yet some people, such as the political officials in Sri Lanka and the king in the Antigone story made this religious experience a political matter. Individuals are forced to choose between allegiance to a religious duty that is also an obedience of natural law or obeying the dictates of a political ruler.

Again I choose the funeral because it is so clearly religious.
However there are many other basic human values which are also well within the scope of natural law and probably also well within the scope of religious concerns, but which are increasingly claimed by politicians as being in their realm.

In the perfect world of the Yin-Yang harmony, there is no clear cut division between religious values and political concerns. The line between the two is curved and there is a little bit of one within the other. There is a constant tension between the two sectors and there should also be a dialogue between them in regard to new questions that are raised by social groups and new developments in society, such as those raised by science and scientists.

An unhealthy relationship occurs when one part of the circle allows itself to be dominated by the other, for then an imbalance and a dis-harmony results. When one part of the circle withdraws from the dialogue and the encounter, the creative tension is removed and there is no healthy development, for only one side dominates: no further progress is made. Progress only results from the healthy, creative dialogue between both sides of the circle, slowly evolving towards a new harmony. Without the tension and dialogue, a healthy harmony cannot be attained.

This approach can be applied to all social tensions: man-woman; humans-natural environment; majority groups-minority groups; etc. The focus here is only on human rights.

Is the extra-judicial killing of people a political issue or a religious issue? Is the torture of individuals a political issue or a religious issue? Is environmental degradation a political issue or a religious issue? A Yin-Yang approach would answer they are both religious and political issues. They are concerns of both natural law and positive law.

In the Yin-Yang approach I advocate, the goal of religions is not to take over a state and establish religious-based laws as has been done in some countries. In this Yin-Yang approach, the goal is not for religions to hide away in churches and temples and mosques and leave these issue to politicians to decide. In this Yin-Yang approach, there is the need for a creative dialogue between politics and religion. Religions must recast and re-kindle their principles and values and
enter into dialogue with all sectors of society, including political leaders so as to ensure that they help to create a healthy harmony in society.

This Yin-Yang approach would encourage religions to maintain a healthy harmony in their own institutions by ensuring that there is a constant dialogue between their activist and contemplative traditions and experience. Contemplation alone, nor activity in society alone sums up the religious experience; both are needed, the dialogue and tension between the two develops a healthy harmony.

To illustrate this point, allow me to share a short story about some secondary students I knew in Hong Kong 20 years ago. I had been meeting with these students on a regular basis for what we called action-reflection (or Think-Judge-Act) meetings. The students would discuss some particular problem they had at school (or home or a social problem) and then ask how the values of their faith could help them to decide on an action that could help to resolve the problem. After taking a certain action, these students would, when they next met, reflect on the implications that their new experience had on their faith and their personal values.

One day I received a call from one of the students in this group. He told me that they had seen a short news item about four families who were living on the sidewalk because they had been kicked out of their homes by a landlord. The students had visited the families and found out that a government official would not allow them to enter a temporary government shelter because he was not convinced they did not have homes of their own. (Capitalist Hong Kong had a law that the government must provide some kind of home for anyone who did not have one.) The students did some research and were convinced that these families did not have anywhere to go. They asked me to meet them at the sidewalk site. After I arrived there we talked to the families again and then made a plan to take them to a government temporary shelter. We hired a truck, loaded all their belongings on the truck and helped all four families to get aboard. When we arrived at the shelter, the night watchman refused to let the people into the camp. While two students argued with the watchman, we found an empty hut, helped the people go in and get settled and then returned to tell the watchman we would be back the
next morning to deal with the bureaucrats. The story ended later with the families being given government housing.

That night those students had melted down the precious urns and coins of faith that had been handed down to them and created new vessels and tools that allowed them to serve the needs of those four families about whom they read. Many other people read the same news item and hundreds of other people walked by them for several days (including students from a nearby Catholic high school), but only that small group of students did something to help those families. Those students recognized the basic human rights of those they heard about and helped those families to attain a right to which they were entitled. On that first night in a government hut those four families no longer stared at the stars as they tried to fall asleep, but I’m sure they thought about, with thanks, those young students who for whatever reason came to help them. And I do know from what the students later shared in their reflection group that as a result of that experience, the values of their faith had been impressed more deeply into their minds and etched deeper into their hearts.

The administrators of the world’s great religions have to spend so much time and effort taking care of their sociological institutions and preserving the traditions and memories of their faith, that they don’t have enough energy and enthusiasm to dialogue with the world.

However, theologians, priests, monks, mullahs and ordinary believers can enter into a Yin-Yang dialogue with the world to see how the beautiful values and time-honored principles and morals of their religious traditions can be polished and re-cast to meet the needs of today and tomorrow.

Human rights, like the natural law, are not something static and absolute; human rights are in the process of being articulated, clarified and developed. A better understanding of human rights can evolve from a Yin-Yang type dialogue among many groups - including those who are part of a religious tradition and members of religious institutions. Without the creative input from religious traditions, the Yin-Yang dialogical tension will be that much poorer.

An Indian Supreme Court Judge wrote an article stressing how the courts and judges must enter into a dialogue with all parts of
society to avoid the law becoming a meaningless and withered appendage. He used to following quote to illustrate his point: “Our judges are not monks or scientists, but participants in the living stream of our national life, steering the law between the dangers of rigidity on the one hand and of formlessness on the other. Our system faces no theoretical dilemma but a single continuous problem: how to apply to ever-changing conditions the never-changing principles of freedom.” (Earl Warren, quoted by V. R. Krishna Iyer in Towards a Burgeoning of Indian Jurisprudence of Social Action and Public Interest Litigation.)

Religions should have the same attitude towards human rights. Perhaps a first contribution of religions could be for all religions to enter into a Yin-Yang dialogue with one another on various aspects of human rights. For example could religions attain a common position on the rights of children; the rights of political detainees; the rights of women; the right not to be tortured, the right to food, etc. Could religions delve into their traditions and contribute to a needed dialogue on the Yin-Yang relationship between Rights and Responsibilities?

Religions don’t have to give final answers and draw up strict rules by which people should live their lives. However, from a Yin-Yang perspective, religions can play a vital role by encouraging people to enter into dialogue with contemporary society and find ways of persuading people to use the many values of religions to deal with and resolve the problems of society. Specifically in relation to human rights, religions can help to provide a creative atmosphere to remind, encourage, persuade, and at times demand that basic human values be recognized and respected by all.

In relation to the further development of human rights and the implementation of human rights religions are not being given a heavy burden to bear. From a Yin-yang perspective religions are being issued an invitation to enter into a dialogue with all those who want to develop human rights so that we can all cooperate in the process to ensure that all persons will enjoy the protection of basic human rights.
4.6. New World Order, Culture, Wisdom Traditions and Human Rights
Joost Kuitenbrouwer

Is it not time to pose the question in what ways and to what extent the rise of violence, as a pervasive chronic phenomenon since the end of the Cold War, can be understood in disconnection from the rise in tensions between rich and poor and between groups who, in the scramble for securities and opportunities, tend to perceive each others as competitors, rather than as partners.

In this context the role of human rights comes in for critical scrutiny. If they have a role to play, what is this role in an evermore complex and global process in which the interconnectedness and indivisibility of global and local processes and phenomena become every day more obvious.

It would seem that human rights may only preserve its role in the service of combatting violence and in defending and promoting social justice in so far as they serve as a direct expression of the basic needs and rights of the common people and their organizations and movements. Thus it is posited that they may only retain and enhance their relevance by deepening their "original vocation:" to stand up unmitigatedly to all forms of violence and violations, of people and of nature of which people are part, in the North, in the South, in the East and the West. This implies that they refuse to be co-opted by states or governments as well as by religious and other institutions in so far as the latter demand from them to go against this commitment. This implies that human rights workers enhance their awareness of the complexity of processes and pressures which are at work in the world of today and let themselves inspire by a deep insight into the nature of these processes and pressures so that their work is nurtured by and rooted in an understanding of the forces and trends at work.
Violence and human rights violations are an intrinsic part of the prevailing economic paradigm.

Violence and human rights violations are an intrinsic part of the prevailing economic paradigm in which the unrestricted workings of the market and the unchecked and uncontrolled growth of competition are seen as a natural and therefore inevitable process which in the end, will automatically produce prosperity and well-being for humankind. In this paradigm disequilibria and imbalances which occur are perceived and treated as incidental occurrences and exclusion, eviction, marginalization, misery and poverty as passing phenomena.

However human rights organizations cannot limit themselves to be reactive and only question and denounce economic structures and political patterns which tend to generate conflict and violence. They need also to reflect on and be proactive in the creation of a new culture which is inspired by a new paradigm on social relations and relations with nature. The call for a focus on consciousness and cultural processes which underlie, structure, generate, maintain and reproduce conflicts and violence is rooted in the assumption that in the end economic, social and political processes are cultural phenomena which have their genesis in perceptions, valuations, attitudes and motivations which sustain and legitimize the institutional patterns in which culture is expressed.

In this connection, it is proposed that it is not only imperative to analyse and understand the nature of the global culture of the North and/or West which underlies and shapes the dynamics of the global world economy as a process, but at the same time to critically examine in which way violence and conflict have been and are constitutive of the cultures of Asia.

Historical Patterns

In this context, such questions arise as: Which have been the historical patterns of relations between classes, groups and peoples? What have been the patterns of domestication, pacification, subordination, submission and relations between the state and the
people? Which roles have religion, philosophy and education played in these processes and in the relations between men and women, old and young, rich and poor and in defining the perceptions of people who are “insiders” and “outsiders?” What have been the internal patterns of creation and management of different forms of power? How and by whom have values and perceptions of value been defined? How was order perceived and secured? How have elite used and how do they use cultural patterns from the past to enhance their position and legitimize their power and authority? How is wealth and poverty perceived and legitimized in cultural traditions? What are the prevailing forms of socialization and education within the family, in the community, in religious institutions and how are they affected by political, social and economic elite? In what ways have these served to engender a sense of humiliation and defeat in people? In what ways have they generated in people a culture of self-destruction and self-intimidation and has the internalization of authoritarian values as a form of terrorization created in them a perception of blind obedience and submission as being normal? In which way has the repression of their feeling and own identity destroyed the perspective of genuine democracy and contributed to “normalize” violence and repression? Oppression? Why should torture be reduced to physical torture and violence only to physical violence if these are only the material expression of more fundamental forms of domination which lie in the inner attitudes which are at the genesis of external violence?

How have people’s sense of self-esteem been undermined? How has patriarchy, as man’s monopolistic control over religion, philosophy, science, production and technology, been used to instill in women a “natural” sense of sacrifice, in the name of their own “vocation” and to disempower them? How do they contribute to create self-destruction, a sense of fatalism, abandonment, loneliness, rejection, frustration, fear, anger and despair and in what ways has this undermined creativity and self-reliance? In what way is modernization, with its overriding pressure for and the mirage of limitless consumption, used to quell and numb people’s sense of self-worth and dignity and the destruction of their longing for happiness by the recognition of their being a human being? What role have religion and philosophy played in this and how have these
been serving to preserve order and discipline in the process of modernization as it evolves? In what way and to what extent do cultures value and question modern notions of freedom and democracy? Which elements in pre-industrial, pre-feudal traditions and values which could serve to help in recovering a sense of meaning to life?

It may be argued that, in particular societies in the modernization process, authoritarian cultures, which over a long period in the past served to secure domination by emperors, kings and landed and political aristocracies, have played a vital role in preparing the ground for the modernization process and have created the foundations for authoritarian forms of political control, deemed indispensable for securing rapid economic growth.

The Academia

As a rule in academia, there has been a tendency to examine questions of culture in abstract ways and reduce them to abstract categories. As a consequence, the existential questions involved and people’s direct experience tend to become invisible and people’s feelings and emotions are laid aside. In that way the meaning they carry becomes neutralized and is undone from its appeal to conscience. Could it not be that frequently social science has an air of irrelevance as it leaves out the feelings and emotions which are at the very core of what gives meaning to life?

NGOs

Sometimes there has also been and is in NGOs a tendency to ignore the relation between one’s personal life, attitudes, values and daily life practice and the patterns of society at large. This has been particularly noticeable in NGOs which have looked at human rights as an intrinsic part of a larger political struggles and political movements. Undeniably, we are unceasingly subject to the way society functions and presses for integration and adjustment into the dominant patterns and which are pressed upon us as essential for order and discipline. Yet at the same time, through our personal way of life and daily practice and life-style, including our addictions,
we contribute to compound and reproduce society as it functions. In that sense we are co-responsible for our culture and the society in which we live and for the world at large. With globalization, pressures for adjustment have greatly multiplied and so have our personal responsibilities.

The Inner and the Outer

In this context, there is also a need to examine ourselves to determine to what extent and in what way we carry within ourselves the seeds of conflict and violence. How can we contribute to peace if we do not carry peace within ourselves? Undoubtedly ancient wisdom traditions have as a rule been co-opted, institutionalized and ritualized, so that their original message for personal transformation was neutralized and their impact on social transformation was nullified or even inverted. At the heart of these traditions has been a call to look inward and examine oneself. “Know thyself” was seen as a condition to know the world. It might be argued that when in a culture, there is a systemic taboo on critically looking inward and being willing to see one’s own dark side (shadow). The tendency to project the shadow onto others or other groups becomes inevitable. It is not without reason that in many ancient cultures, there is an exhortation to “befriend the devil” or come to terms with one’s own dark side and as a condition not only for peace with oneself but also with others. There is a great deal of evidence to suggest that, where a culture discourages people from engaging in and cultivating critical self-awareness, it thereby sows the seeds for collective violence and creates attitudes which can easily be capitalized upon by those who are bent on manipulating enemy images, as they have been internalized and crystallized into stereotypes of “the other” and “the others” (e.g. minorities, women, peoples, foreigners, people with other political views or religious traditions). Historically, a close connection becomes visible between despotic and authoritarian regimes and the taboo on critical self-reflection, as for such regimes it is essential to abolish “people’s own space.”

On the other hand it is difficult to deny that frequently various kinds of religious and spiritual practices, as a call to “turn inward,” have served to de-link us from the world and undermine a
commitment to social transformation. It is for this reason quite understandable, that many NGOs have tended to look down upon spiritual practice as being an invitation to inaction and weakening commitment. Can such spiritual practices also be understood as a call to self-empowerment and deepen commitment by “acting from within?” We strongly feel that in this time of generalized disorientation and confusion, the need to balance doing with being, involvement with detachment, stress with inner relaxation, action with reflection, rationality with mindfulness, mind with body, thinking with feeling and activism with stillness is of a great urgency. This premise is based on the view that in the relation between doing and being, it is vital to create balance between means (as action and instruments of action) and ends (as that what gives meaning to life and one’s involvement). Primacy needs to be given to the latter. This implies that we see NGOs not only as centers of action to meet the innumerable demands of the moment, but also as centers and sources of new meaning and the creation of spaces and initiatives to sustain and enhance movements for awakening and new culture in relations to nature (the cosmos, the universe, the earth) as well as between people and among peoples in which is active non-violence and peace are at the center. This does in no way exclude the legitimate use of power as a form of self-defense.

The wisdom traditions

A central focus in these wisdom traditions has been on awakening to the inter-connectedness of all phenomena (inter-being) and life as a process of the liberation of perceptions which tend to see oneself and one’s world as the center in opposition to others, other peoples and the rest of the world. Such traditions focused on an awakening to the sacred nature of the cosmos and all life contained in it. In such traditions, the growth of a sense of responsibility for all beings was seen as the fruit of this awakening through the practice of love and compassion and other virtues to all other beings, irrespective of their origin: I am only alive, as I have received life and continue every day to receive life from the cosmos, the universe and the earth. I am connected with all beings with myriad of threads and only in being and becoming aware of this and honouring inter-being as the basic nature of my being do I honour life. I cannot be in touch with the
universe and with other people if I am not in touch with myself. I cannot be in touch with myself if I do not honour my relationship with others and the whole. This attitude rings through in an ancient saying: "Embrace the universe as a mother embraces her new born child."

With the growing loss of meaning, as a consequence of the growing inversion of the relation between means and ends, the question may be raised, whether a commitment to social transformation can any longer be disconnected from personal transformation and whether it is not time to recognize the inextricable unity of the two. The socialist premise that personal transformation and emancipation would be the natural fruit of a process of social transformation has turned out to be a naive assumption. On the other hand the free market ethos with its overriding emphasis on freedom as the right to the untrammelled pursuit of self-interest has turned out to be deeply destructive not only of freedoms but also of the cosmos (nature) and is leading to the erosion of the very foundations of life.

4.7. The Critique of the Use of Religious Power
- Dr. B.R. Adbedkar - a Profile
Basil Fernando

The abuse of power is as old as human history. Therefore power should always be bound, i.e., tied to certain norms. Where such norms express the fundamental freedoms and entitlements of each and every human being, we speak of 'human rights'. These are prima facie rights that are supposed to trump all other types of claims, both private and public. This applies to religious power too. Religion is subject to both ideologisation and institutionalisation. Human rights, on the contrary, put the human being above ideology and the dignity of the individual person above the organisation. As a consequence, the Pope's question to Gorbachev, as put in a well-known joke, "Mr. Gorbachev, this glasnost of yours is, as I understand it (hopefully correctly), is an idea for outside the church only?" has to be answered in the negative. Religion needs human
rights including the fundamental freedom to critique the use of religious power. (Emphasis supplied)

- Bas De Gaay Fortman

One of the outstanding contributions to a critique of religious power from a human rights point of view is the work of Dr. Bhim Rao (Babasaheb) Ambedkar (1881 - 1956). He critiqued Hinduism from the point of view of the social reality of untouchability in particular and the caste system in general. It was not a pure critique by way of arguments only, but a lifelong struggle of organizing to eradicate untouchability. As the chairman of the drafting committee of the Indian Constitution, he developed Constitutional principles for the application of human rights norms preparing the way for the eradication of caste in a country where the entire culture is steeped in notions of human inequality. Though caste still remains a major problem the situation has astoundingly changed from what it was prior to the making of the Constitution. In such a large country as India which is full of diversity the Constitution has survived and now the judiciary is asserting itself to an extent that a well-known human rights activist and a former Chief Justice of the Supreme Court of India, P.N. Bhagwati has said, “the Indian Supreme Court is the most powerful court in the world.” The Supreme Court itself has attributed its independence to the founding fathers of the Constitution. Since the seventies the Supreme Court has been able to resist the Emergency laws, brought about by the Indira Gandhi regime, by the use of human rights provisions in the constitution. The "public interest" litigations which were boldly developed by the Supreme Court have produced the richest human rights jurisprudence in any Third World country. This jurisprudence is an offspring of the Indian Constitution.

The jurisprudence developed by Ambedkar is very much related to the development of the philosophical views of Ambedkar, as an untouchable trying to define his own identity and that of his community in a culture and a civilization that assigned to the untouchables a non-human status.

In the process of enunciating his philosophical views he even clashed with Mahatma Gandhi who, despite his sympathy for the
poverty and the humiliation of the untouchables, still defended the caste system, because he feared that without the caste system Hinduism itself might fall. Another reputed great contemporary thinker and humanist Ananda Coomarswami defended the caste system. Ambedkar’s best known publication on this subject was Annihilation of Caste, first published in 1936. He wrote three other books on caste. Many other writings including a monumental work, Buddha and His Dhamma, were products of his existential search for meaning as a human being, whose social being was defined by his own culture as having no worth. In the preface to Annihilation of Caste, he wrote, "I shall be satisfied if I make the Hindus realize that they are the sick men of India and their sickness is causing danger to the health and happiness of other Indians." In the appendix to this book Ambedkar produced Mahatma Gandhi’s objections to his book and his reply to Mahatma’s article. Ambedkar wrote, "My quarrel with Hindus and Hinduism is not over the imperfections of their social conduct. It is much more fundamental. It is over their ideals."

As summarized by Ambedkar himself the central themes in Annihilation of Caste are as follows:

1. That caste has ruined the Hindus;

2. That the reorganization of the Hindu society on the basis of Chaturvarna is impossible as it has the inherent tendency to degenerate into the caste system unless there is a legal sanction behind it which can be enforced against every one transgressing Varna;

3. That the reorganization of the Hindu society on the basis of Chaturvarna is harmful because the effect of the Varna vyavastha is to degrade the masses, by denying them the opportunity to acquire knowledge, and to emasculate them by denying them the right to be armed;

4. That the Hindu society must be reorganized on a religious basis which would recognise the principles of Liberty, Equality and Fraternity;

5. That in order to achieve this object the sense of religious sanctity behind caste and Varna must be destroyed; and,
6. That the sanctity of caste and Varna can be destroyed only by discarding the divine authority of the Shastras.¹

What Ambedkar challenged was the entire basis of the relationship of a person that accepts the caste system as integral part of their inner religious world view. He wrote, "The best of men cannot be moral if the basis of the relationship between them and their fellows is fundamentally a wrong. To a slave his master may be better or worse. But there cannot be a good master. A good man cannot be a master and a master cannot be a good man. The same applies to the relationship between high caste and low caste." Perhaps this critique is valid not only regarding Hinduism, but regarding all relationships which consider one group of persons superior to others. The resulting relationship could only be a false one irrespective of the personal qualities of the persons involved.

The basis of a true relationship is affirmation of the other. A relationship based on superiority and inferiority begins with a fundamental inner negation of the other.

At the heart of the debate was the caste imperative that everyone must follow his ancestral calling. The hereditary Brahmins and hereditary untouchables in perpetuity was the Varna or caste system and Ambedkar's basic position was that the sanctity of caste and the divine authority of Shastras were inseparably linked. To the objection that Shastras could be differently interpreted by the saints, Ambedkar replied, "The masses do not make any distinction between texts which are genuine and texts which are interpolations. The masses do not know what the texts are. They are too illiterate to know what the texts are. They are too illiterate to know the content of the Shastras. They believe what they have been told and what they have been told is that the Shastras do enjoin as a religious duty the observance of caste and untouchability. As for the ignorance of the masses about the texts it may be noted that it was quite common for a Brahmin to tell the people that if they read a book they will go blind."

Pursuing his conviction that the Hindu society must be reorganized on the basis of liberty, equality and fraternity, Ambedkar placed these in the Preamble to the Indian Constitution as the foundation of the Constitution. Justice Krishna Iyer a well-known
former Supreme Court judge known as the architect of public interest litigation, in 1976 explained the strategy of the Indian Constitution: "The progressive needs of the humane jurisprudence and jural postulates of post-independence India are in the Constitution. Equalize first; equality next - such is the strategy of justice." Regarding the contradictory situation that this gave rise to Ambedkar pointed out that, "Indians today are governed by two ideologies. Their political ideal set out in the Preamble to the Constitution, affirms a life of Liberty, Equality and Fraternity; their social ideal embodied in their religion, denies them." Speaking on the occasion of the inauguration of the new Constitution he said, "on January 26, 1950, we will have equality in politics and inequality in social and economic life. We must remove this contradiction at the earliest moment, or else those who suffer from inequality will blow up the stucture of political democracy."

While being an indefatigable legislator and a legal reformer he realized that for the actual tranformation of society much more was needed. He declared his personal philosophy thus in an All-India Radio broadcast made in 1954.

My Personal Philosophy

Every man should have a philosophy of life, for everyone must have a standard by which to measure his conduct. And philosophy is nothing but a standard by which to measure.

Negatively, I reject the Hindu social philosophy propounded in the Bhagvat Geeta based as it is, on the Triguna of the Sankhya philosophy which is in my judgment a cruel perversion of the philosophy of Kapila, and which had made the caste system and the system of graded inequality the law of Hindu social life.

Positively, my social philosophy may be said to be enshrined in three words: liberty, equality and fraternity. Let no one, however, say that I have borrowed my philosophy from the French Revolution. I have not. My philosophy has roots in religion and not in political science. I have derived them from the teachings of my master, the Buddha. In his philosophy,
liberty and equality had a place: but he added that unlimited liberty destroyed equality, and absolute equality left no room for liberty. In his philosophy, law had a place only as a safeguard against the breaches of liberty and equality; but he did not believe that law can be a guarantee for breaches of liberty or equality. He gave the highest place to fraternity as the only real safeguard against the denial of liberty or equality or fraternity which was another name for brotherhood or humanity, which was again another name for religion.

Law is secular, which anybody may break while fraternity or religion is sacred which everybody must respect. My philosophy has a mission. I have to do the work of conversion: for, I have to make the followers of Triguna theory give it up and accept mine. Indians today are governed by two different ideologies. Their political ideal set out in the preamble to the Constitution affirms a life of liberty, equality and fraternity. Their social ideal embodied in their religion, denies them.

His conception that law as secular and fraternity as sacred underlined his approach to human relationships. As a symbolic gesture of the rejection of the non-fraternal nature of Hindu society Ambedkar in 1927, publicly burned Manusmriti, the Hindu hand book that gives primacy of place to Brahmins, even over the king, and immunity from punishment for all crimes. In 1936 he publicly declared that he was born a Hindu but would not die a Hindu. In 1956 with a following of about five hundred thousand persons he publicly embraced Buddhism. He was a man who believed in such public gestures as the issues involved were not matters of private beliefs but of basic social norms.

Like Gandhi he believed in non-violence. However, for Ambedkar non-violence was not a matter purely of a personal philosophy but a matter relating to Liberty, Equality and Fraternity. For Gandhi non-violence was a political strategy while for Ambedkar it was a matter of social relationships. To Gandhi it was a political means to an end but for Ambedkar it was primarily a social ideal. Gandhi was capable of separating the political from the social but for Ambedkar such separation amounted to a denial of Liberty, Equality and Fraternity. It was no accident that Gandhi did not
support the idea of a bill of rights. He, instead of, thought a bill of duties was better alternative. However, Ambedkar expressed his conception of humanity on the basis of human rights and gave it the central place in the Constitution, which is the fundamental norm of society. Gandhi concentrated on Indian independence while Ambedkar dedicated his life to altering the Indian way of life and to transforming its social relationships into one based on the recognition of the sacred in each person without exception. His was thus a struggle for a transforming spirituality.

His best known advice to his people was, "My final word of advice to you is: educate, agitate and organize; have faith in yourself. "This was like the advice a Taoist master gave to one of his students, to pull down a huge tree by his inner strength. In fact the people of the untouchables community (who now call themselves Dalits) have improved their inner strength in leaps and bounds. The resulting social change has already changed the nature of the Indian society. Of course, there is yet a very long way to go. Whether there is any other social movement in the twentieth century which has achieved so much and has created such a very positive feeling towards further achievement is doubtful. The difference lies essentially in the recognition of the need for inner transformation leading to qualitative changes in relationships.

The moral-cultural issue, the way people see each other has been identified as the real issue relating to human rights. Ambedkar recognized this already nearly 75 years ago. He was able to do this due to his own existential contradiction as a human being who was regarded by people as inherently having no worth. He considered it as his birth right to annihilate the system that reduced him to that status. He attempted to resolve this total contradiction by a total transformation, internal and external, personal and social. Study of his life and works could contribute greatly to a richer understanding of human rights. There is much in his work to emulate in any attempt a fundamental critique of religious power.
End Notes

1. Ambedkar traced the origin of untouchability to 400 A.D. He considered the Gita as a political book aimed at upholding the teachings of Vedas and raising Brahmanism to a supreme position.

2. He explained the reason for his conversion thus: "I have decided once and for all to give up this religion. My religious conversion is not inspired by any material motive, there is hardly anything that I cannot achieve even while remaining an untouchable. There is no other feeling than that of spirit feeling underlying my religious conversion. Hinduism does not appeal to my conscience. My self-respect cannot assimilate Hinduism.

3. He wrote, "Had my mind been seized with hatred and revenge, I would have brought disaster upon this land in less than 5 years.

4. "Dalits" means ground down, downtrodden, oppressed, but it now is used by "the low castes in a spirit of pride and militancy." They have rejected the name Gandhi; gave them as Harijans of India, meaning "God's children."

5. See Reference #5.

References


5. AHRC QUESTIONNAIRE

The religious notions on which human rights violations are bonded

Dr. Ambedkar spoke of the need to “destroy the religious notions on which caste is bonded.” (Ambedkar - Annihilation of Caste). This same principle may be applied to all other practices by which human rights are violated. A frank examination of these religious notions on which violations of human rights - globally, nationally and locally - are bonded is essential in understanding the religious and spiritual paralysis of our times, particularly in relation to the massive violations of rights taking place in Asia.

Torture

What are the religious notions that support torture?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to torture?
- In general
- In specific situations

Covenant on Civil and Political Rights - Principle against torture is absolute and knows no limitations.

Practice

What steps have the religions taken to condemn torture?
- In general
- In specific situations
What steps have the religions taken to eliminate torture?

Poverty

What are the religious notions that support Poverty?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to Poverty?
- In general
- In specific situations

*Covenant on Economic, Social and Cultural Rights - Principle against poverty is absolute and knows no limitations.*

Practice

What steps have the religions taken to condemn poverty?
- In general
- In specific situations

What are the steps taken to eradicate poverty?
- In general
- In specific situations

Killings

What are the religious notions that support killings?
- In general
- In specific situations
- Openly
- Subtly
What are the religious notions that are opposed to Killings?
- In general
- In specific situations

*Covenant on Civil and Political Rights - Principle against Killings is absolute and knows no limitations.*

**Practice**

What steps have the religions taken to condemn killings?
- In general
- In specific situations

**Extra-Judicial Killings and Disappearances**

What are the religious notions that support Extra-Judicial Killings? Disappearances?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to Extra-Judicial Killings? Disappearances?
- In general
- In specific situations

*Covenant on Civil and Political Rights - Principle against Extra Judicial Killings and Disappearances is absolute and knows no limitations.*

**Practice**

What steps have the religions taken to condemn Extra-Judicial Killings? Disappearances?
- In general
- In specific situations

Rights regarding burials

What are the religious principles involved in burials?
Have the religions defended these rights unconditionally?

*Under the Covenant on Civil and Political Rights there is no basis to deprive people the right to burials?*

Rights of Women

What are the religious notions that support violations of Women’s rights?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to violations of the rights of Women?
- In general
- In specific situations

*In Covenants on Economic, Social and Cultural Rights and Civil and Political Rights - the Principle against discrimination of Women is absolute and knows no limitations.*

Practice

What steps have the religions taken to condemn violations of the rights of Women?
- In general
- In specific situations

What steps have the religions taken to promote violations of the rights of Women?
- In general
- In specific situations

These same questions may be developed to deal with specific women's issues such as women migrant workers etc.

**Rights of Children**

What are the religious notions that support violations of Children's rights?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to violations of Children's rights?
- In general
- In specific situations

*In Covenants on Economic, Social and Cultural Rights and Civil and Political Rights and the Convention on the Rights of the Child, the principles against discrimination of children and the special protection of children is absolute and knows no limitations.*

**Practice**

What steps have the religions taken to condemn violations of Children's rights?
- In general
- In specific situations
What steps has the religions taken to promote violations of Children's rights?
- In general
- In specific situations

Bonded Labour and Child Employment

What are the religious notions that support Bonded Labour and Child Employment?
- In general
- In specific situations
- Openly
- Subtly

What are the religious notions that are opposed to Bonded Labour and Child Employment?
- In general
- In specific situations

In Covenants on Economic, Social and Cultural Rights and Civil and Political Rights and the Convention on the Rights of the Child, the principles against discrimination of children and the special protection of children is absolute and knows no limitations.

Practice

What steps have the religions taken to condemn Bonded Labour and Child Employment?
- In general
- In specific situations

What steps have the religions taken to promote the elimination of Bonded Labour and Child Employment?
- In general
- In specific situations
## 6. List of Participants

<table>
<thead>
<tr>
<th>Name</th>
<th>Location/Position</th>
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<tbody>
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Human Rights & Spirituality

"Today there is a tremendous attempt to develop a social discourse to promote and protect human rights. Do the religions want to contribute positively to this discourse? If yes, then in which way can they do so? What steps have religions taken to condemn Extra-Judicial Killings? Disappearances? Torture? Caste? What are the religious notions that support Poverty? What steps have religions taken to condemn violations of the rights of Women? Children?"

"But an injection of religion with the notion of universal responsibility for the dignity of life will have to be achieved at the grassroots level. There are already some signs that such a development is taking roots. Either religion loses its meaning in the lives of people or it manifests its relevance in a world full of violation of the most basic human rights."